

10-116(A)/15

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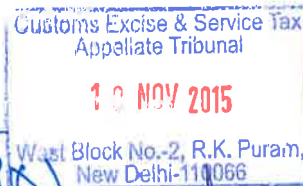
**First Appeal under Section 19 of the Right to Information Act, 2005
against Deemed Refusal**

Ref. No. : RTI/P-501/(9506/15)/Appeal/16070

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	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)	25-09-2015	
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	25-11-2015	
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 25-9-2015 (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)	

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BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 25-09-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide the following information in relation to appeal Nos. (i) ST/138-39/2009, ST/406,522-525/2010, ST/257,259,433,473,502, 580, 1123,1383,1781,1802/2011, ST/56,86,126,645,851-854,863-870, 878, 1723,1724,2337,2810/2012 (Charanjeet Singh Khanuja & Ors.) (ii) ST/666/12-Cus(DB) (CMC Ltd.) (iii) ST/118/2007 & ST/142/2007 (Airport Authority of India) (iv) E/58784 to 58786/2013 (v) C-564/565/09 (Savi Vision Pvt. Ltd. & Ors.)*

(i) *Please provide certified copies of all orders, order sheets, records of proceedings (except Final Order)*

(ii) *Please provide certified copies of all note sheets put up by the Registry and the Court Master and Orders thereon.*

(iii) *Please provide certified copies of all Notes/Observations made by the Hon'ble Member and the President's order thereon.*

(iv) *Please provide certified copies of all Supplementary Cause Lists issued for listing of these appeals.*

(v) *Please provide details of all mention made along with copy of the Mention Memo and endorsements and orders thereon.*

(vi) *Please provide certified copies of all applications made by the appellants and departments except the Stay application and copies of the orders passed thereon.*

(vii) *Please provide copies of all orders or directions received from High Court or Supreme Court in relation to this case.*

(viii) *Please provide certified copies of all communications made by the appellant/their counsel.*

(ix) *Please provide certified copies of all Hearing Notices*

(x) *Please provide copies of all Vakalatnamas with date of their filing and No objections Certificate, if any.*

(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 clause (A) above. Please provide inspection of complete file(s) even if they contain part of the information. I shall undertake the inspection only if the information provided is illegible or incomplete.*

- (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 has not received the information as sought by him in the aforesaid RTI Application, within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005, therefore, as per Section 7(2) of the RTI Act, 2005, the request for information is deemed to have been refused. Thus being aggrieved by said refusal, the appellant is filing the present appeal.

GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the appellant received letter dated 30-9-2015 (**Annexure-2**) of CPIO to Asstt. Registrar, (Customs), ST & AD CESTAT, New Delhi & AR/TO. The Appellant vide letter dated 12-10-2015 (**Annexure-3**) requested the

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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.

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

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the CPIO may be directed to provide the information in question within a time bound frame.

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- (c) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (d) That a personal hearing may be granted to the appellant before deciding the appeal.



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

Place : New Delhi
Dated : 07-11-2015

OTC

(6)

ADMINISTRATIVE

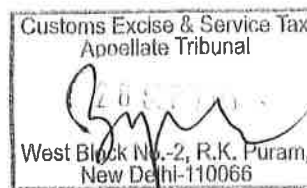
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9506/15

Dated : 25-9-2015

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 following information in relation to appeal Nos. (i) ST/138-39/2009, ST/406, 522-525/2010, ST/257, 259, 433, 473, 502, 580, 1123, 1383, 1781, 1802/2011, ST/56, 86, 126, 645, 851-854, 863-870, 878, 1723, 1724, 2337, 2810/2012 (Charanjeet Singh Khanuja & Ors.) (ii) ST/666/12-Cus(DB) (CMC Ltd.) (iii) ST/118/2007 & ST/142/2007 (Airport Authority of India) (iv) E/58784 to 58786/2013 (v) C-564/565/09 (Savi Vision Pvt. Ltd. & Ors.)</p> <p>(i) Please provide certified copies of all orders, order sheets, records of proceedings (except Final Order)</p> <p>(ii) Please provide certified copies of all note sheets put up by the Registry and the Court Master and Orders thereon.</p> <p>(iii) Please provide certified copies of all Notes/Observations made by the Hon'ble Member and the President's order thereon.</p> <p>(iv) Please provide certified copies of all Supplementary Cause Lists issued for listing of these appeals.</p> <p>(v) Please provide details of all mention made along with copy of the Mention Memo and endorsements and orders thereon.</p>

		<p>(vi) Please provide certified copies of all applications made by the appellants and departments except the Stay application and copies of the orders passed thereon.</p> <p>(vii) Please provide copies of all orders or directions received from High Court or Supreme Court in relation to this case.</p> <p>(viii) Please provide certified copies of all communications made by the appellant/their counsel.</p> <p>(ix) Please provide certified copies of all Hearing Notices</p> <p>(x) Please provide copies of all Vakalatnamas with date of their filing and No objections Certificate, if any.</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 clause (A) above. Please provide inspection of complete file(s) even if they contain part of the information. I shall undertake the inspection only if the information provided is illegible or incomplete.</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. 32F 040325 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

THH/....
 THH

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F.No. 10-180/2015 /CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/9/15

ID No. 10-180/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9506/15 dated
25/9/15 (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. 9506/15 dated 25/9/15 CPIO ID No 10-180/2015 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 16/10/15 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, SF&AD, CESTAT, New Delhi

2. _____

3. _____

4. AR/To, Computer P.O. for uploading on website

Copy for information to:-

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

Revised file

1-16538

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

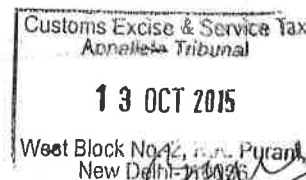
President, Excise and Customs Bar Association

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-195/9506/15/R16905

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/9506/15, dated 25/9/2015

Dear Sir,

This refers to the letter F. No. 10-180/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]

o/c

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

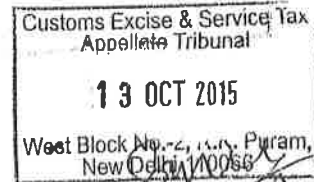
President, Excise and Customs Bar Association

Editor of

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Central Excise Law Guide; Central Excise Tariff of India;
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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-195/9506/15/R16904

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/9506/15, dated 25/9/2015

Dear Sir,

This refers to the letter F. No. 10-180/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]

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.10-87(A)2015
10-122(A)/2015
CPIO ID NO.10-171/2015

— Appeal No.10-89(A)2015
121 (A)/2015
CPIO ID NO.10-167/2015

Appeal No.10-116 (A)/2015
CPIO ID NO.10-180/2015

Shri R.K. Jain

...Appellant

Vs.

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

...Respondent

Date of Hearing: 05.04.2016

ORDER 7/1/2016

The grievance of appellant in these appeals are that the information sought for has been denied by the CPIO on the ground that the matter is sub-judice before the Tribunal. In this context, the appellant brought to the notice of the First Appellate Authority, the order No.69/2015 dated 26.11.2015 passed in the case of Appeal No.10-115(A)/2015 in CPIO ID No.10-139/2015 on an identical issue. I have heard both sides and perused the records. The relevant paragraphs of the cited order are extracted herein below:-

01/4
"7. I find from the above judgements of the judicial forum that the matter which are sub-judice before the Court or Tribunal is not falling in the category of exempted information in terms of any of the clauses of Section 8 (1) of the RTI Act, 2005.

ISSUED ON

2/4/16
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE
APPELLATE TRIBUNAL
NEW DELHI-110066

furnished by the Tribunal, when a particular case matter is sub-judice before it, in as much as, Tribunal is a judicial body, which decides the appeals in the open Court. Hence, there is no question of maintaining any secrecy with regard to case file.

9. *In view of the above, I am of the considered opinion that information sought for by the appellant can be furnished under the statute. Therefore, the CPIO is directed to furnish all the information to the appellant preferably within a period of 4 weeks from the date of receipt of this order."*

2. In view of the fact that the information can be furnished under the statute, I direct the CPIO to collect the information from the concerned section and forward the same to the appellant preferably within a period of 3 weeks from the date of receipt of the order. The appeal is disposed of in the above terms.


(S.K. MOHANTY)
APPELLATE AUTHORITY

Copy.to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003.
2. Shri V.P. Pandey, Asst. Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy

10-117(A)/15

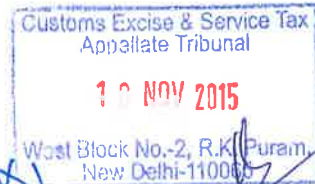
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**First Appeal under Section 19 of the Right to Information Act, 2005
against Deemed Refusal**

Ref. No. : RTI/P-501/(9503/15)/Appeal/16068

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 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)	24-09-2015
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	24-11-2015
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 24-9-2015 (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)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 24-09-2015 (**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) 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) Certified copies of all Orders, Order Sheets / Record of Proceedings except Final Orders.
 - (ii) Certified copies of all the notes put up by the registry with orders of the President thereon.
 - (iii) Certified copies of the written submissions filed if any.
 - (iv) Certified 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) Certified copies of all the After Court Cause Lists including Supplementary Cause Lists, if any.
 - (vii) Certified copies of all notice of hearing issued to parties.
 - (viii) Certified copies of any Court directions/orders received in the aforesaid matter.
 - (ix) Date of final hearing of the matter and date of pronouncement / issue of order and whether any permission taken from the President, CESTAT for delayed pronouncement, if any.
 - (x) Certified 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 has not received the information as sought by him in the aforesaid RTI Application, within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005, therefore, as per Section 7(2) of the RTI Act, 2005, the request for information is deemed to have been refused. Thus being aggrieved by said refusal, the appellant is filing the present appeal.

GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the appellant received letter dated 30-9-2015 (**Annexure-2**) of CPIO to Asstt. Registrar, (Excise), CESTAT, New Delhi & AR/TO. The Appellant vide letter dated 12-10-2015 (**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.
- (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.

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- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the CPIO may be directed to provide the information in question within a time bound frame.
- (c) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (d) That a personal hearing may be granted to the appellant before deciding the appeal.



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

Place : New Delhi
Dated : 07-11-2015

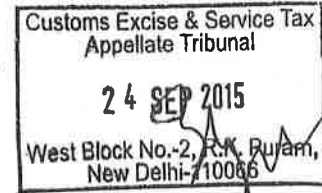
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9503/15

Dated : 24-9-2015

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 following information in relation to (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) Certified copies of all Orders, Order Sheets / Record of Proceedings except Final Orders.</p> <p>(ii) Certified copies of all the notes put up by the registry with orders of the President thereon.</p> <p>(iii) Certified copies of the written submissions filed if any.</p> <p>(iv) Certified copies of any order/directions for out of turn listing of the matter</p> <p>(v) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.</p> <p>(vi) Certified copies of all the After Court Cause Lists including Supplementary Cause Lists, if any.</p> <p>(vii) Certified copies of all notice of hearing issued to parties.</p> <p>(viii) Certified copies of any Court directions/orders received in the aforesaid matter.</p>

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		<p>(ix) Date of final hearing of the matter and date of pronouncement / issue of order and whether any permission taken from the President, CESTAT for delayed pronouncement, if any.</p> <p>(x) Certified 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 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 039994 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.	



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

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

(7)

F.No. 10-178.../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/9/15ID No. 10-178/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9503/15 dated
24/9/15 (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. 9503/15 dated 24/9/15 CPIO ID No 10-178/15 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 16/10/15 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

[Signature]
(Rajender Prasad)
Accounts Officer/CPIO

To

1 AR, Excise, CESTAT, New Delhi

2 _____

3 _____

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

Copy for information to:-

Sh R.K. Jain,
1512-B BHISHAM PITAMAH MARG,
LAZAR, DIAGAR

Hand file
-16541

ok

ANNEXURE 3

8

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

Central Excise Law Guide; Central Excise Tariff of India;
Central Excise Law Manual; Customs Tariff of India;
Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case 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-195/9503/15/R16907
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/9503/15, dated 24/9/2015

Dear Sir,

This refers to the letter F. No. 10-178/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]

o/c

R.K. JAIN

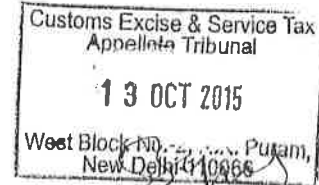
M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of



1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9503/15/R16906
12-10-2015

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

Sub: My RTI Application No. RTI/9503/15, dated 24/9/2015

Dear Sir,

This refers to the letter F. No. 10-178/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]

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.10-178 (A)/2015
CPIO ID NO.10-117(A) 2015

Shri R.K. Jain

...Appellant

Vs.

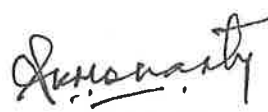
Shri V.P. Pandey, Asst. Registrar/CPIO

...Respondent

Date of Hearing: 05.04.2016

ORDER 75/2016

Pursuant to the appeal filed by the appellant, the CPIO submits that the information have already been gathered from the concerned section and the same will be furnished to the appellant within a period of one week. I accept the submission of CPIO and accordingly, direct him to furnish the information to the appellant within one week 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.
2. Shri V.P. Pandey, Asst. Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy

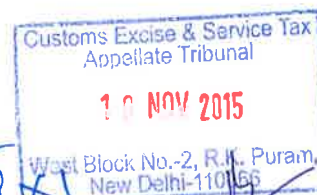
10-118(A)15

①

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

Ref. No. : RTI/P-501/(9502/15)/Appeal/16067
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 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)	24-09-2015
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	24-11-2015
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 24-9-2015 (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)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 24-09-2015 (**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) Excise Appeal No 1261/2010 (Hero Motocorporation) and (ii) Excise Appeal No.E-3561/2012 (Pepsico India Holding Pvt. Ltd.)
- (i). Certified copies of all Orders, Order Sheets / Record of Proceedings except Final Orders.
 - (ii). Certified copies of all the notes put up by the registry with orders thereon.
 - (iii). Certified copies of any order/directions for out of turn listing of the matter
 - (iv). Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.
 - (v). Certified copies of all the After Court Cause Lists including Supplementary Cause Lists, if any.
 - (vi). Certified copies of all notice of hearing issued to parties.
 - (vii). Certified copies of any Court directions/orders received in the aforesaid matter.
 - (viii). Date of final hearing of the matter and date of pronouncement / issue of order and whether any permission taken from the President, CESTAT for delayed pronouncement, if any.
 - (ix). Certified 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 the appellant has not received the information as sought by him in the aforesaid RTI Application, within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005, therefore, as per Section 7(2) of the RTI Act, 2005, the request for information is deemed to have been refused. Thus being aggrieved by said refusal, the appellant is filing the present appeal.

GROUND OF APPEAL

(1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.

(2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.

- (3) That the appellant received letter dated 30-9-2015 (**Annexure-2**) of CPIO to Asstt. Registrar, (Excise), CESTAT, New Delhi & AR/TO. The Appellant vide letter dated 12-10-2015 (**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.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

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

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



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

Place : New Delhi
Dated : 07-11-2015

o/c

ANNEXURE-1

(6)

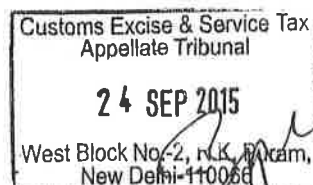
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9502/15

Dated : 24-9-2015

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	(A) Please provide the following information in relation to (i) Excise Appeal No 1261/2010 (Hero Motocorporation) and (ii) Excise Appeal No. E-3561/2012 (Pepsico India Holding Pvt. Ltd.) (i) Certified copies of all Orders, Order Sheets / Record of Proceedings except Final Orders. (ii) Certified copies of all the notes put up by the registry with orders thereon. (iii) Certified copies of any order/directions for out of turn listing of the matter (iv) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon. (v) Certified copies of all the After Court Cause Lists including Supplementary Cause Lists, if any. (vi) Certified copies of all notice of hearing issued to parties. (vii) Certified copies of any Court directions/orders received in the aforesaid matter. (viii) Date of final hearing of the matter and date of pronouncement / issue of order and whether any permission taken from the President, CESTAT for delayed pronouncement, if any.

	<p>(ix) Certified copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p> <p>(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>(C) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>Note:- 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. 32F 039993 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

Hina/...
HR

F.No. 10-179...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/9/15

ID No. 10-179/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 9002/15 dated
24/9/15 (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. 9002/15 dated 24/9/15 CPIO ID No 10-179/2015 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 16/10/15 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

avrd file
16542

o/c

3

(9)

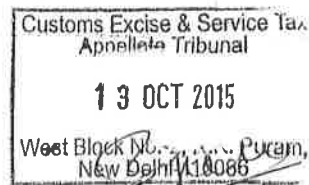
R.K. JAIN M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of



13/10/2015

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

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

RTI/P-195/9502/15/R16915
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/9502/15, dated 24/9/2015

Dear Sir,

This refers to the letter F. No. 10-179/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]

a/c

10

R.K. JAIN

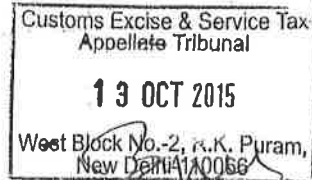
M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of



1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

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& 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

RTI/P-195/9502/15/R16914
12-10-2015

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

Sub: My RTI Application No. RTI/9502/15, dated 24/9/2015

Dear Sir,

This refers to the letter F. No. 10-179/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]

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.10-88(A)2015
CPIO ID NO.10-170/2015

Appeal No.10-90(A)2015
CPIO ID NO.10-169/2015

Appeal No.10-118 (A)/2015
CPIO ID NO.10-179/2015

Appeal No.10-119 (A)/2015
CPIO ID NO.10-201/2015

Shri R.K. Jain

...Appellant

Vs.

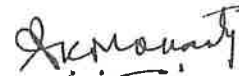
Shri V.P. Pandey, Asst. Registrar/CPIO

...Respondent

Date of Hearing: 05.04.2016

ORDER 70/2016

The appellant submits that during pendency of appeals the information sought for were furnished by the CPIO. As such, he prays for disposal of the appeal. In view of the fact that the information sought for have already been furnished to the appellant, further proceedings are closed and the appeals are 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.
2. Shri V:P. Pandey, Asst. Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy

10-119(A)/15

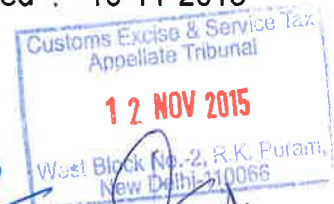
①

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

Ref. No. : RTI/P-537/(9547/15)/Appeal/16074

Dated : 10-11-2015

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 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)	08-10-2015	
3.	Details of the order appealed against	Letter F.No. 10-201/CESTAT/CPIO-ND/SKV/2015 Dated 5-11-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	5-12-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 8-10-2015 (Annexure-1) 2. Copy of Asstt. Registrar/ CPIO letter dated 14-10-2015 (Annexure-2) 3. Copy of Appellant letters dated 19-10-2015 (Annexure-3) 4. Copy of Asstt. Registrar/ CPIO letter	

	<p>dated 23-10-2015 (Annexure-4)</p> <p>5. Copy of Appellant letters dated 29-10-2015 (Annexure-5)</p> <p>6. Copy of Asstt. Registrar/ CPIO letter dated 5-11-2015 (Annexure-6)</p> <p>7. Copy of CIC Order dated 7-8-2012 in the case of Brig. Davinder Singh Grewal v. Police Deptt. (Annexure-7)</p> <p>8. Copy of the CIC decision in the case of Nanak Chand Arora (Annexure-8)</p> <p>9. Copy of the Hon'ble Delhi Court in the case of MCD v. R.K. Jain (Annexure-9)</p>
--	---

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, Asstt. Registrar/ CPIO and Shri Kripa Shanker, Asstt. Registrar and Deemed CPIO, have deliberately and malafidely not provided complete and correct information as sought by the appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the CPIO has wrongly demanded a sum of Rs.2/- for providing information. The fee is payable only when the appellant is seeking copies of the documents thus where the information is provided the appellant is not required to pay the fee for reply to the RTI Application. 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 erred in allowing the inspection of the records on 27-10-2015, whereas the appellant has sought specific information. The CIC in the case of Brig. Davinder Singh Grewal v. Police Deptt. (**Annexure-7**) 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. In view of this decision, the order of the CPIO is incorrect and liable to be set aside.
- (5) That Shri S.K. Verma, Asstt. Registrar/ CPIO and Shri Kripa Shanker, Asstt. Registrar and Deemed CPIO, have deliberately and malafidely not provided complete and correct information as sought in Point (C) of the RTI Application relating to the list of cases adjourned due to the reasons that impugned orders were passed by Shri R.K. Singh. Further, no information has been provided for the Central Excise Bench. 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 Registrar, CESTAT, has not provided any information despite the RTI Application having been transferred to him. He may be directed to provide the information in time bound manner.
- (7) That Shri Kripa Shanker, Asstt. Registrar and Deemed CPIO has erred in not providing up-to-date information as sought in Point (D) of the RTI Application, whereas the earlier information was provided on 4-6-2015, therefore, Deemed CPIO should have been provided up-to-date information.
- (8) That Shri Kripa Shanker, Asstt. Registrar and Deemed CPIO has deliberately and malafidely denied the information, as sought in Point (E) of the RTI Application on the ground that the matter is sub-judice, hence exempted under Section 8(1)(h) of the RTI Act. 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-8**), 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-9**), 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:

- (9) 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.
- (10) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (11) 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.
- (12) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (13) 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 : 10-11-2015

sc

Annexure - 1

(7)

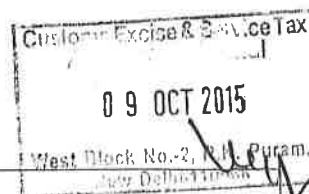
Application under Section 6 of the Right to Information Act, 2005

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	<p>(A) Please provide information as to the date from which CESTAT additional bench at Chandigarh and Hyderabad are likely to start functioning</p> <p>(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.</p> <p>(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.</p> <p>(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/2014dated 4.9.2014 in compliance to Gujarat High Court Order.</p> <p>(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</p>

(8)

-2-

		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 (9)

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

Dated 14/10/15

ID No. 10-201/15

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
To 5:00 PM directly with deemed CPIO

(S.K. Verma)
Asst. Registrar/CPIO
6/14/15

1. Registrar
2. Asst. Registrar Admin/Excise/Customs/SM
3. _____
4. AC/IO, Computer Rm for uploading on website

Copy for information to:-

Sh. R.K. Jain,
1512-B BHISHAM PITAMAH MARG,
ACAR

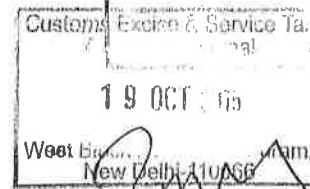
1-16650
dfile.

O/C

Annexure-3

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

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



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

(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 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/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]

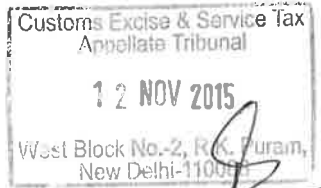
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4279/15
12/11/15**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. : RTI/P-501/(9515/15)/Appeal/16075

Dated : 10-11-2015



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 (1) Shri S.K. Verma, Asstt Registrar/ CPIO (2) Shri Kripa Shanker, Asstt. Registrar 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	28-09-2015
3.	Details of the order appealed against	Letter F.No. 10-187/CESTAT/CPIO-ND/RP/2015 dated 5-11-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	5-12-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 28-9-2015 (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 5-11-2015 (Annexure-4)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 28-09-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide certified copies of all complaints or representations received by President/Vice President, Registrar in relation to the interchanging of the dictation in the case of Paramount Communications Ltd. v. Commissioner of Central Excise - 2013 (287) E.L.T. 213 and also provide Date and Diary No. under which the said complaint was received.*
- (B) *Please also provide date-wise details of the action taken on said complaint by the Registrar and the President in pursuance to the Order dated 28-1-2013 and the action taken by the Registrar as the said complaint was marked to him on 1-2-2013. Please also provide the information in relation to the action taken in pursuance to the note dated 4-2-2013 of the SPS to the Hon'ble President and note dated 5-2-2013 of the Registrar.*
- (C) *Please provide the certified copies of the Shorthand Notebook relating to the dictation taken on 5-6-2012 for two cases for which the dictation is alleged to have been interchanged.*
- (D) *Please provide certified copies of all note sheets and order sheets, note put up by the Registry and the orders thereon by the concerned authorities including the Registrar, Members and the President of CESTAT in relation to appeal No. ST/1459/2011 and the related Stay Application. (copies of these documents were earlier provided by the CESTAT but they are illegible, hence they are again applied for).*

Note The above information was sought under my earlier RTI application No. 4699 (Your ID No. 08-06/2013), but the copies provided by you are not legible copies. You are therefore to provide legible copies.

(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 deliberately and malafidely not provided complete and correct information as sought by the appellant. He has also not transferred the RTI Application to the holder of the information 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.

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 deliberately and malafidely not provided complete and correct information as sought by the appellant. He has also not transferred the RTI Application to the holder of the information with a view to delay and deny the information. For instance, he has not forwarded the RTI Application to the Registrar, who was also the holder of the information as sought in Point (A) to (C) of the RTI Application. 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 and Shri S.C. Das, deemed CPIO and SPS of the President, CESTAT, have not provided the complete and correct information as sought in Point (A) to (C) of the RTI Application not they have forwarded the said application to the Registrar,

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

PRAYER

Under the circumstances, the appellant prays as under:

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

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



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

Place : New Delhi
Dated : 10-11-2015

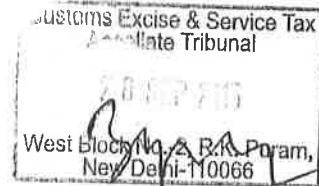
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9515/15

Dated : 28-9-2015

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 certified copies of all complaints or representations received by President/Vice President, Registrar in relation to the interchanging of the dictation in the case of Paramount Communications Ltd. v. Commissioner of Central Excise - 2013 (287) E.L.T. 213 and also provide Date and Diary No. under which the said complaint was received.</p> <p>(B) Please also provide date-wise details of the action taken on said complaint by the Registrar and the President in pursuance to the Order dated 28-1-2013 and the action taken by the Registrar as the said complaint was marked to him on 1-2-2013. Please also provide the information in relation to the action taken in pursuance to the note dated 4-2-2013 of the SPS to the Hon'ble President and note dated 5-2-2013 of the Registrar.</p> <p>(C) Please provide the certified copies of the Shorthand Notebook relating to the dictation taken on 5-6-2012 for two cases for which the dictation is alleged to have been interchanged.</p> <p>(D) Please provide certified copies of all note sheets and order sheets, note put up by the Registry and the orders thereon by the concerned authorities including the Registrar,</p>

7

		<p>Members and the President of CESTAT in relation to appeal No. ST/1459/2011 and the related Stay Application. (Copies of these documents were earlier provided by the CESTAT but they are illegible, hence they are again applied for).</p> <p>Note : (1) The above information was sought under my earlier RTI application No. 4699 (Your ID No. 08-06/2013), but the copies provided by you are not legible copies. You are therefore to provide legible copies.</p> <p>(2) 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. 32F 041587 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

11/11/13
11R

Annexure - 2

F.No./D./187...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/9/15

ID No. 10487/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9515/15 dated
28/8/15 (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. 9515/15 dated 28/8/15 CPIO ID No 10487/15 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 16/10/15 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 / Customs / 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

Sanjay
1-16547

o/c

Annexure-3

9

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

Customs Excise & Service Tax
Appellate Tribunal

13 OCT 2015

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

13/10/2015

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9515/15/R16917

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/9515/15, dated 28/9/2015

Dear Sir,

This refers to the letter F. No. 10-187/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,

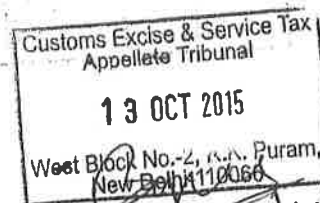


[R.K. Jain]

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



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

RTI/P-195/9515/15/R16916
12-10-2015

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

Sub: My RTI Application No. RTI/9515/15, dated 28/9/2015

Dear Sir,

This refers to the letter F. No. 10-187/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]

F.No. 10-187/CESTAT/CPIO-ND/RP/2015
 Customs Excise and Service Tax Appellate Tribunal
 West Block No 2, R.K.Puram, New Delhi-110 066

Dated---25/11/15

ID No. -10-187/15

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. 9515/15 Dt. 28/09/15
 and our ID No. 10-187/15 the information received from ~~CP1 President~~
 containing 241 pages is enclosed herewith for your reference
 please.

You are, Therefore, requested to please acknowledge the
 receipt and deposit Rs. 482/- (NIC @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

12

CUSTOMS, SERVICE TAX & ANTIDUMPING BRANCH

I.D.No.10-187/2015

With reference to your I.D.No.10-187/2015 dated 30.9.2015 , the information sought by applicant pertains to the President/VicePresident and Registrar Office.

Dated:3.11.2015


Asstt. Registrar.

Copy to:-

✓ 1.CPIO.

2.O/c.

A.R.

CESTAT, New Delhi

Dated: 4.11.2015

Please refer to your letter No.10-187/CESTAT/CPIO-ND/RP/2015 dated 3.11.2015

2. Reply to the information sought under Para-4(A)) of the RTI Application No. RTI/P-195/9515/15 dated 28.9.2015 is that complaints/representations in the matter of Paramount Communications Ltd. vs. C.C.E. – 2013 (287) ELT 213, received from Shri Govind Krishna Dixit, Addl. Commr. (A.R.) by the office of President on 1.1.2013 were kept at Diary No.02 on **1.1.2013** when the then Hon'ble Vice President Shri S.S.Kang was in Mumbai who thereafter joined the CESTAT, New Delhi on 28.1.2013 and upon his direction, the same was handed over to Registrar on 1.2.2013 (copy enclosed).

3. In so far as question Nos.(B), (C) and (D) are concerned, the information is not available.


(S.C. Das)
Sr. P.S. to Hon'ble President


Assistant Registrar/CPIO, CESTAT, New Delhi

APPELLATE AUTHORITY

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

Appeal No.10-120(A)/2015
CPIO ID NO. 10-187/CESTAT/CPIO-ND/RP/2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of Hearing/decision: 08.04.2016

ORDER 72/2016

The grievance of the appellant in this appeal is that the information sought for vide RTI application dated 28.09.2015 have not been furnished by the CPIO within the stipulated time frame of 30 days. To the said ground of the appellant, the CPIO submits that the copy of the RTI application was forwarded to all the concerned officials including the Registrar under the cover of letter dated 3.11.2015 for necessary compliance. On the other hand, the appellant submits that the letter dated 3.11.2015 of the CPIO was not received, for which a reminder vide letter dated 10.11.2005 was sent to him for expediting supply of the information.

2. Considering the fact that the RTI application was forwarded by the CPIO within stipulated time and part compliance has been made, I direct the CPIO to collect the other information whatever is maintained and available as per the rules of the CESTAT from the concerned officials (including Registrar) ^{and} to forward the same to the appellant preferably within a period of 3 weeks from the date of receipt of this order. The CPIO directed to submit his letter dated 03.11.2015 to the appellant as copy of the same has not been received by him.


(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.

10-111(A)/2015

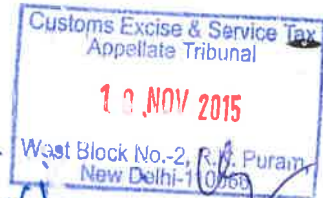
①

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

Ref. No. : RTI/P-537/(9365/15)/Appeal/16058

Dated : 09-11-2015

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 Shri S.K.Verma Asst. 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)	20-07-2015
3.	Details of the order appealed against	Letter ID No. 10-123/15 dated 29-10-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	29-11-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 20-7-2015. (Annexure-1) 2. Copy of CPIO letter dated 31-7-2015. (Annexure-2) 3. Copy of CPIO letter dated 29-10-2015. (Annexure-3) 4. Copy CESTAT office order dated 20-10-2008 (Annexure-4) 5. Copy of Appellate Order No.14/2011 dated 24-8-2011 (Annexure-5)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 20-07-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide certified copies of all the note sheets and correspondence pages of RTI file for ID No. 06-212/11. Please also provide the file No. in which the matter concerning the RTI application in question in the above ID has been dealt with and also provide copies of correspondence pages and note sheets of those files.*

(B) *Please provide the information as to the date on which the cashier / accounts Deptt. has forwarded the receipt for Rs.72/- to the CPIO and also intimate the general practice about the processing of the RTI fees / payments and the procedure/process of their intimation to the CPIO by the Accounts Deptt. and provide copies of the records of such intimation for payment of Rs.72/-.*

(C) *Please provide the list of the cases in which oral mention has been made in Court-I and Court-II of CESTAT, New Delhi and provide copies of the Mention Memo and directions of the Bench thereon. This information may be provided from 1-1-2015 till the date of providing the information.*

(D) *Please provide the details of the date on which the final Order No. A/55041/2014-EX(DB) dated 26-12-2014 was received in the Registry of Excise Bench and the Name of the Officer from whom it was received. Please also provide certified copies of the relevant documents.*

(E) *Please provide the following information in relation to Appeal No E/54360/2014 (Parmarth Iron & Steel) and connected matters:-*

(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 mater 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.*
- (F) *Please provide date-wise details of the leave taken by Shri S.K. Verma from 1-8-2011 till the date of providing the information. Please also provide copies of the leave records of Shri S.K. Verma and after providing the same, please provide inspection of the entire leave records of Shri S.K. Verma.*
- (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 CPIO and Deemed CPIO have deliberately and malafidely not provided complete and correct information as sought by the appellant in point (C), (D), (E) & (F) of the RTI application. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUNDS OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and sprit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore,

there was no valid cause or reason or ground for not providing the information.

- (3) That the CPIO and Deemed CPIOs have not provided the information as sought in point (D) and (E) of the RTI application on the ground that it does not pertain to the office of the Deemed CPIO. Therefore the CPIO has erred in not forwarding these points to the holder of the information. He may accordingly be directed to forward these points to the holder of the information.
- (4) That the CPIO and Deemed CPIOs have deliberately and malafidely not provided the information as sought in point (C) of the RTI application in relation to the mention matters. The CESTAT vide office order dated 20-10-2008 (**Annexure-4**) has laid down the procedure for maintenance of records when a mention is made in the open court. Therefore the information cannot be denied to the appellant on the ground of non-maintenance of information. Moreover, under the RTI Act, the maintenance of information is not the pre-requisite for providing the information. Since the information sought is held by the public authority, it is to be provided. Recently the First Appellate Authority of the CIC in the case of S.C. Agarwal V/s. CIC – First appeal No. CIC/AA/A/2013/269 decided on 3-10-2013 basing its decision on Supreme Court judgment held as under: -

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

*“The words ‘held by’ or ‘under the control of’ under Section 2(j) will include not only information under the legal control of the public authority but also all such information which is otherwise **received or used or consciously retained by***

the public authority in the course of its functions and its official capacity." (emphasis supplied)

The information sought for by the appellant squarely falls within the ambit of the information of as defined under the RTI Act, there is no denying that it is within the mischief of section 2 (j) of the RTI Act. In view of this, and the reliance placed on the judgment of the Commission dated 23.05.2013 in the case of R.K. Jain Vs. CIC, the replies given in response to the four queries namely 4, 5, 7 and 8 by the nodal CPIO is set-aside and he is directed to obtain the information from the concerned registries or provide access to the information seeker to peruse the records and get the required information. The CPIO is free to proceed in terms of the provisions of the RTI Act while replying again to these queries."

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

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

"20. Needless to state and as observed by the Hon'ble Apex Court in paragraph No. 14 in the case of C.B.S.E. and another (supra), Public Authorities are under an obligation to maintain records and disseminate the information in the manner provided under Section 4 of the RTI Act. The submission of the petitioner that it is an onerous task to supply documents, therefore, is required to be rejected. When the Law mandates preserving of

documents, supplying copies thereof to an applicant, in our view, cannot be said to be an onerous task."

In view of this decision of Bombay High Court, the information cannot be denied on the ground of its non-maintenance, rather non-maintenance of records is an act of obstruction to the information with malafide intent and purpose and liable for penal action under section 20 of the RTI Act.

- (6) As per the Cabinet Secretariat's manual of Office Procedure and provisions of Section 4 of the RTI Act, every public authority is required to maintain proper records and non-maintenance of proper records cannot be a ground for denying information. In this regard, Hon'ble Delhi High Court in ***The Registrar, Supreme Court of India v. Commodore Lokesh K. Batra and Ors.; W.P.(C) 6634/2011 & CM No.13398/2011*** has held as under:

"12. However, the above principle (para 35 Aditya Bandhopadyay) cannot be used to deny information that is available with a public authority, but not in the form as is sought. In the present case, it is the petitioner's stand that it does not maintain the data "in the manner sought for" and thus, has no obligation to provide the same to the respondent no.1. This stand is, clearly, unsustainable....."

"15. The obvious intention of the Parliament is to ensure that information is available to the public in a form that is convenient to them. In this view, the petitioner's contention that it has no obligation to provide the information, if it is not maintained in the form in which the respondent no.1 seeks it, cannot be accepted."

In view of the above decision and statutory provisions, the information cannot be denied on the ground of non-maintenance when such information is required to be maintained in normal course or is otherwise available in any form with the public authority. Even such information is not deniable invoking Section 7(9) of the RTI Act. Therefore, the impugned order 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 wrongly claimed exemption u/s 8(1) (j) in relation to the information sought regarding the leave taken by Shri S.K. Verma from 1-8-

2011 till the date of providing the information. The information sought by the appellant in point (F) of the RTI application is not personal information but relates to the official functions of the officer and has also financial implications. The CPIO, CESTAT on earlier occasion also raised similar objection but those were overruled by First Appellate Authority vide order No 14/2011 dated 24-8-2011 (**Annexure-5**). In view of this decision, the information sought in point (F) of the RTI application is not personal information, hence, its disclosure is not exempted under Section 8(1)(j) of the RTI Act. Further, the appellant has been getting information about Shri S.K. Verma of absent from office and taking leave on false pretext. A Disciplinary action for his unauthorised absent from office is already pending. In these circumstances, the information sought is in larger public interest and is disclosable under section 8(2) 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.

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

PRAYER

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi
Dated : 09-11-2015

o/c

ANNEXURE-1

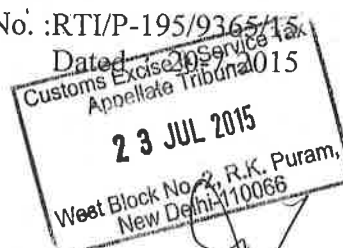
(9)

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

Ref. No. : RTI/P-195/9365/15

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 certified copies of all the note sheets and correspondence pages of RTI file for ID No. 06-212/11. Please also provide the file No. in which the matter concerning the RTI application in question in the above ID has been dealt with and also provide copies of correspondence pages and note sheets of those files.</p> <p>(B) Please provide the information as to the date on which the cashier / accounts Deptt. has forwarded the receipt for Rs.72/- to the CPIO and also intimate the general practice about the processing of the RTI fees / payments and the procedure/process of their intimation to the CPIO by the Accounts Deptt. and provide copies of the records of such intimation for payment of Rs.72/-.</p> <p>(C) Please provide the list of the cases in which oral mention has been made in Court-I and Court-II of CESTAT, New Delhi and provide copies of the Mention Memo and directions of the Bench thereon. This information may be provided from 1-1-2015 till the date of providing the information.</p> <p>(D) Please provide the details of the date on which the final Order No. A/55041/2014-EX(DB) dated 26-12-2014 was received in the Registry of Excise Bench and the Name of the Officer from whom it was received. Please also provide certified copies of the relevant documents.</p>

10

		<p>(E) Please provide the following information in relation to Appeal No E/54360/2014 (Parmarth Iron & Steel) and connected matters:-</p> <ul style="list-style-type: none"> (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. <p>(F) Please provide date-wise details of the leave taken by Shri S.K. Verma from 1-8-2011 till the date of providing the information. Please also provide copies of the leave records of Shri S.K. Verma and after providing the same, please provide inspection of the entire leave records of Shri S.K. Verma.</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 026193 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/----9365

F.No.10-123/CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated-31-07-2015
ID No. 10-123/2015

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No-9365/15 Dt-20-7-15
and our ID No.10-123/15.. the information received from AR, Custom.
containing-01- pages is enclosed herewith for your reference
please.

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


(Rajender Prasad)
Accounts Officer/CPIO

Encl:- As above

Copy to:- Computer Section for website

12

CUSTOMS, SERVICE TAX & ANTIDUMPING BRANCH

I.D.No.10-123/2015

With reference to your I.D.No.10-123/2015 dated 24.07.2015, the information sought by you vide point (C) the list of cases in which oral mention has been made in Court, In this regard it is submitted that ~~no~~ such list or record is maintain. The other information sought do not pertains to this Bench Registry.

Dated:28.7.2015

[Signature]
28/7/15
Asstt. Registrar.

Copy to:-

✓ 1.CPIO.

2.O/c.

A.R.

F.No. ^{SKV} 10-123 / CESTAT/CPIO-ND/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated- 29/10/15
ID No. 10-123/15


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. 9365 Dt. 20/7/15
and our ID No. 10-123/15. the information received from AR Admin
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
29/10

Encl:- As above

Copy to:- Computer Section for website

(14)

F. No. 33/315/RTI/Misc./CESTAT/Admn./2015
Customs Excise & Service Tax, Appellate Tribunal
West Block No. 2, R.K. Puram, New Delhi-110066

I.D. No. 10-123/2015
Dated : 28.10.15

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

Sir,

Kindly refer to Sh. R.K. Jain RTI application Nos. RTI/P-195/9365/15 dated 20.07.15 & RTI/P-195/9365/15/R16478 dated 11.09.15 and CPIO letter no. 10-123/CESTAT/CPIO-ND/RP/2015 dated 24.07.15 wherein sought information relating to point 'A' to 'F' under RTI Act 2005.

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

Point – A to E – Not pertaining to Administration Section.

Point – F. – Information asked by the applicant is seems to be personal records and the same are exempted under section 8(1)(j) of RTI Act 2005.


28.10.15
(Mukesh Gupta)
Assistant Registrar (Admn.)

To

Sh. S.K. Verma, Assistant Registrar/CPIO, CESTAT, New Delhi


29/10/15

CESTAT — MENTION OF MATTERS — ORAL ORDERS/DIRECTION NOT PROPER — APPLICATION NECESSARY FOR EARLY HEARING

CESTAT Office Order, dated 20-10-2008

It is noticed that in some cases during Mention, oral orders/directions are issued including for early listing/relisting of the matters, which is not in consonance with the provisions of the CESTAT (Procedure) Rules, 1982.

All the Assistant Registrars and Court Masters are directed to ensure that when a matter is mentioned which is not listed in day's Cause List, the following directions should be adhered to :-

1. The Court Master shall keep record of the Mention made by a party including the particulars of the Party and the relevant appeal/ application number in his Daily Diary and shall transmit to the Assistant Registrar concerned, the copies of the application filed during Mention along with written directions, if any, given thereon by the Bench.
2. For early hearing, an application is to be filed and the same is to be numbered and thereafter listed before the Bench for passing appropriate orders.
3. If the early hearing application is allowed by the Bench, notice is to be issued for hearing the appeal/application.

Section 35C(1A) of the Central Excise Act, 1944 and Section 129A(7) of the Customs Act, 1962 prescribes a fee of Rs. 500/- for every application made to the Tribunal, therefore, all the Assistant Registrars are directed to ensure that all applications including for early hearing shall be listed when they are accompanied with prescribed fee of Rs. 500/- and no oral request for early listing/relisting shall be entertained.

This issues with the approval of the Hon'ble President.

APPELLATE TRIBUNAL HAS NO JURISDICTION TO RESTORE APPEAL WHEN TRIBUNAL'S DISMISSAL ORDER ALREADY UPHELD BY HIGH COURT

M.F. (D.R.) Office Memorandum F. No. 390/Misc./2/2010-JC, dated 30-1-2012 - 2012 (283) E.L.T. T3

Subject : Decision of Hon'ble High Court of Delhi, favourable and important for the Department - Regarding.

I am directed to refer to the judgment of Hon'ble High Court of Delhi passed on 27-9-2011 [2012 (278) E.L.T. 587 (Del.)] in favour of Revenue over the substantial question of Law viz. - 'Whether the learned CESTAT has got jurisdiction under the provisions of the Customs Act, 1962 to restore the appeals dismissed by it four years ago, by reviewing its own order particularly when the order passed by the CESTAT has merged with the order passed by the High Court in subsequent Appeal which has attained finality.'

The Hon'ble High Court of Delhi in its judgment dated 27th September, 2011 held that -

"Doctrine of merger, therefore, shall clearly apply and once the order of the Tribunal had attained finality and had been merged in the order of this Court, the Tribunal had become *functus officio* and had no jurisdiction to entertain the applications preferred for restoration of appeals."

The CESTAT earlier, vide order dated 29-12-2006 [2011 (269) E.L.T. 88 (Tri. - Del.)] required the Appellants [M/s Lindt Exports] to make a pre-deposit of Rs. 2.5 Crores as a condition for hearing the appeal. Since the Appellants did not deposit the amount, the Tribunal dismissed the appeals under its Final Order dated 26th March, 2007 and the said order was upheld by the Hon'ble High Court of Delhi. Thus, once the order of the Tribunal had attained finality, the Tribunal had become *functus officio* and had no jurisdiction to entertain the applications preferred for restoration of appeals. The Hon'ble High Court on this ground alone set aside the order of the Tribunal.

The above order is enclosed for information.

This issues with the approval of Member (L&J).

ADMISSION OF APPEALS VALUED UP TO Rs. 50,000/-

CEGAT Office Order No. 3/95, dated 24-10-1995

The provisions in relation to admission of appeals valued upto Rs. 50,000.00 in respect of new appeals where there is no question of valuation or classification should be posted for admission before single Member

0.5
12/9/12

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Anneem S

**APPELLATE AUTHORITY
CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
West Block No.2, R.K. Puram, New Delhi**

**RTI Appeal ID No.06-23(A)/2011
Against CPIO ID No.06-40/2011**

Date of hearing : 10.8.2011
Date of order : 24.8.2011

Shri R.K. Jain

Appellant

Vs

Shri S.K. Verma, CPIO

Respondent

ORDER No. 14 of 2011 Dated 24/8/11

Per Mathew John:

The appellant had filed an application under RTI Act vide his reference No. RTI/11/3276 dated 18.4.11 requesting for the following information:

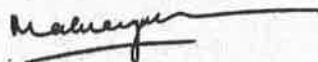
- (A) Please provide date-wise details of the tours undertaken by the Hon'ble President from 1.3.09 till date along with copy of tour orders and the expenditure incurred on each tour separately showing the travel expenses and TA/DA on each tour;
- (B) Please provide date-wise details about the absence of the Hon'ble President either on leave or otherwise from the Headquarters w.e.f. 1.3.09 till date;
- (C) Please provide details of the sittings by the Hon'ble President on zonal benches at Mumbai, Chennai, Bangalore, Kolkata and Ahmedabad from March 09 till date and the number of cases disposed off during each such sitting;

Mathew John

- (D) *Please provide date wise details of various kinds of leave availed by the Hon'ble President CESTAT and also provide details whether the President was at HQ or out of station during those such leave periods.*
- (E) *Please provide date wise details of the LTC availed by the Hon'ble President and the details of the expenditure incurred for each such LTC and the during of each LTC and station visited.*
- (F) *Please provide date wise details of the leave availed by the Hon'ble President when he was on tour;*
- (G) *Please provide inspection of all original records, documents files correspondence and note sheets relating to information sought in clauses(A) to (F) above.*

2. Certain information called for was furnished vide order No. 06-14/2011 dated 18.5.11. Information as asked for at items (B), (D) and (F) were refused claiming exemption under Section 8(1)(j) of RTI Act, 05. Aggrieved by this order, the appellant has filed this appeal. On 22.7.2011, this appeal was heard by Shri D.N. Panda, who was the appellate authority on that date. The order was dictated in the court but was not signed and communicated. Due to change of Appellate Authority, Shri Jain was given another personal hearing on 10.8.11. During the hearing the appellant submitted that all the submissions made by him before the Appellate Authority on 22nd July, 2011 are available on record and the same may be taken into account and an order be issued.

3. Considered the records available on file.



4. The appellant is not pressing for information called for by him in terms of items (A) and (C) in his application dated 20.4.11.

Submission in regard to other issues are as under:-

The applicant understands that no proper leave application has been made by Mr Justice RMS Khandeparkar nor prior and proper sanction of the competent authority has been obtained. Further no proper records for the leave availed by Mr Justice RMS Khandeparkar are maintained in the CESTAT by the Asstt Registrar (Admn) who also happens to be the CPIO.

- (II) That the CPIO is claiming exemption under Section 8(1)(j) of the RTI Act 2005, in spite of number of decisions of the CIC and this very CPIO has provided similar information in relation to other staff of the CESTAT to the appellant and also to other RTI applicants (copy enclosed).*
- (III) That the CPIO is also the Asstt. Registrar (Admn) and is responsible for proper maintenance of the records in this aspect.*
- (IV) That the CPIO is claiming exemption under Section (8)(1)(j) of the RTI Act, 2005 regarding the leave applications of Mr. Justice RMS Khandeparkar and other leave records and details, in order to suppress the irregularities in avallment of leave by Mr. Justice RMS Khandeparkar and non-maintenance of proper leave records by him as Asstt. Registrar (Admn).*
- (V) That by claiming exemption, the CPIO has admitted the existence and custody of the said records with him.*

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(vi) *That the learned CPIO and the deemed CPIOs are not providing the records and applications relating to the leave of Mr. Justice RMS Khandeparkar in spite of the order of the Appellate Authority by order No. 10/2011 dated 4.7.11, even though the copy of the said order was served on him as well as on the deemed CPIO by the appellant and subsequent reminders thereto were also given.*

(vii) *That perusal of the information and records as sought by the appellant in the RTI applications in question, by the learned First Appellate Authority is necessary for deciding the present appeal. Therefore, in the interest of justice, the records of the information in question may be directed to be produced before the learned First Appellate Authority for its perusal and decision.*

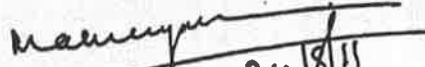
3. Against the submissions of the appellant, learned CPIO says that the information called for being of the nature of information under Section 8(1)(j) of the RTI Act, 2005, that information cannot be provided. Accordingly, he has replied by his letter dated 18.5.11 in ID No.6/40/2011. To the extent information that can be provided he has indicated in his reply. While replying he has also called for information from the deemed CPIO in respect of para 4(c) of the application.

4. I do not agree with the argument that information called for is covered under Para 8(1)(j) of the RTI Act 2005. Information sought for relates to the public functions ~~in his official capacity~~ *in his official capacity* of the person concerned and is not personal information. Furnishing information about dates of absence from duty cannot be considered as invasion of the privacy of the individual. Therefore, information called for under items (B), (D), (E) and (F) shall be

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furnished to the Appellant at the earliest not exceeding 30 days.
After giving the information if the Appellant wants inspection of
records, that also should be permitted.


(MATHEW JOHN) 24/8/11

Appellate Authority under the RTI Act

Shri S.K. Verma, CPIO, CESTAT

Copy to

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

Dy. No. 4239/CR-15
10/11/15
10-112(AJ)S ①

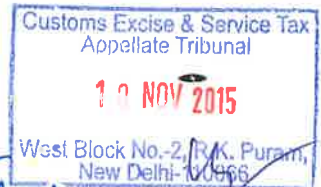
First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-537/(9492/15)/Appeal/16054

Dated : 09-11-2015

To

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



cos/sctm/RTI/15
16/10/15

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 Mukesh Gupta, AR (Admn) & 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)	21-09-2015	
3.	Details of the order appealed against	Letter ID No. 10-172/2015 dated 27-10-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	27-11-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 21-9-2015. (Annexure-1) 2. Copy of CPIO letter dated 27-10-2015. (Annexure-2)	

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 21-09-2015 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) Please provide copies of all the bills submitted by Mrs. Archana Wadhwa, Shri B.S.V. Murthy and Shri Ashok Jindal, Shri Anil Choudhary, Members, CESTAT during the years 2013, 2014 & 2015.
 - (B) Please provide copies of all the bills submitted by the Air India for the years 2013, 2014 & 2015.
 - (C) Please provide month-wise details of the payment made to Air India from 01-04-2013 till date. In case monthwise details are not available, then payment details in whatever form may be provided according to your convenience.
 - (D) Please provide details of the tour and travel undertaken by Mrs. Archana Wadhwa, Shri Ashok Jindal and Shri Anil Choudhary, Members, CESTAT, during the years 2013, 2014 & 2015, for which no amount has so far been claimed or no bill has so far been submitted including for Air Travel.
 - (E) Please provide details of the amount taken as advance for LTC or for tour & travel by Mrs. Archana Wadhwa, Shri Ashok Jindal and Shri Anil Choudhary, Members, CESTAT, during the years 2013, 2014 & 2015.
 - (F) Please provide certified copies of the log book maintained for the vehicles / staff cars used by the CESTAT, Members, posted at Delhi and at Mumbai for the period 1-1-2015 till the date of providing the information.
 - (G) Please intimate the file number in which the matter concerning allotment of the staff cars and vehicles for the CESTAT staff, including Members and President and hire of vehicles is dealt with at CESTAT,

Delhi and Mumbai, for the years 2014 & 2015 and also provide copies of the notesheets for this period and inspection of the entire file.

- (H) Please provide the file numbers in which the matter concerning requisition of vehicles by the Members, CESTAT at Delhi is dealt with for the years 2014 & 2015 and also provide copies of all notesheets and correspondence pages of the said files.*
- (I) Please provide the vehicle number and the driver assigned to Shri R.K. Singh, Shri Ashok Jindal and Shri Rakesh Kumar from 1-12-2014 till the date of providing the information.*
- (J) Please provide monthwise details of the amount paid for the hire of the vehicles at CESTAT, Delhi, from 1-3-2014 till the date of providing the information including the details of the amount paid in excess to the monthly fixed rates for each vehicle.*

NOTE: (1). The above information is sought in larger public interest as the appellant has received information that the CESTAT staff is misusing government resources.

- (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/Deemed CPIO have deliberately and malafidely not provided complete and correct information as sought by the appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.*

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.*
- (2) That the information sought by the appellant is not exempted under*

Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.

- (3) That Shri S.K. Verma, Asstt. Registrar/CPIO and Shri Mukesh Gupta, AR & Deemed CPIO have deliberately and malafidely not provided complete and correct information as sought by the appellant. In relation to point (A), (D), (E), the Deemed CPIO has stated that the information does not pertain to his section. Despite such stand of Deemed CPIO, Shri S.K. Verma, Asstt. Registrar and CPIO has not forwarded the said points under Section 5(4) & (5) of the RTI Act to the holder of the information nor collected the information in question and provided to the appellant. Therefore, the CPIO be directed to forward these points of RTI application to the holder of the information and provide point-wise information to the appellant within time bound frame.
- (4) That Shri S.K. Verma, Asstt. Registrar and CPIO and Shri Mukesh Gupta – Assistant Registrar (Administration), Deemed CPIO has wrongly denied the information as sought in point (F) of the RTI application in relation to log book etc. and also as sought in point (I) of the RTI application regarding the vehicle Nos. and drivers assigned to Shri R.K. Singh, Shri Ashok Jindal and Shri Rakesh Kumar, for the staff cars/vehicles. The information has been denied on the ground that such information is not maintained whereas as per the Govt. Rules, maintenance of such log book is necessary. Moreover, Under the RTI Act, the maintenance of information is not the pre-requisite for providing the information. Since the information sought is held by the public authority, it is to be provided. Recently the First Appellate Authority of the CIC in the case of S.C. Agarwal V/s. CIC – First appeal No. CIC/AA/A/2013/269 decided on 3-10-2013 basing its decision on Supreme Court judgment held as under: -

“...Under Section 2(j), the Right to Information conferred on the citizen means Right to Information “accessible” under the Act, which is “held by” or is “under the control of” any Public Authority. The attention of the CPIO is also drawn to judgment of

Hon'ble Supreme Court in the case of Secretary General, Supreme Court of India Vs. the petitioner in LPA No. 501/2009, wherein the court has defined the words "**held by**" and "**under the control of**" as under:-

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

The information sought for by the appellant squarely falls within the ambit of the information of as defined under the RTI Act, there is no denying that it is within the mischief of section 2 (j) of the RTI Act. In view of this, and the reliance placed on the judgment of the Commission dated 23.05.2013 in the case of R.K. Jain Vs. CIC, the replies given in response to the four queries namely 4, 5, 7 and 8 by the nodal CPIO is set-aside and he is directed to obtain the information from the concerned registries or provide access to the information seeker to peruse the records and get the required information. The CPIO is free to proceed in terms of the provisions of the RTI Act while replying again to these queries."

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

- (5) That Recently a Division Bench of the Bombay High Court in the case of Sayyed Education Society v. State of Maharashtra-W.P. 1305/2011 decided on 12-2-2014 has held that public authorities are under a statutory obligation to maintain records and disseminate as per the

provisions of section 4 of the RTI Act. The High Court, in this respect, specifically held as under:-

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

In view of this decision of Bombay High Court, the information cannot be denied on the ground of its non-maintenance, rather non-maintenance of records is an act of obstruction to the information with malafide intent and purpose and liable for penal action under section 20 of the RTI Act.

(6) As per the Cabinet Secretariat's manual of Office Procedure and provisions of Section 4 of the RTI Act, every public authority is required to maintain proper records and non-maintenance of proper records cannot be a ground for denying information. In this regard, Hon'ble Delhi High Court in ***The Registrar, Supreme Court of India v. Commodore Lokesh K. Batra and Ors.; W.P.(C) 6634/2011 & CM No.13398/2011*** has held as under:

"12. However, the above principle (para 35 Aditya Bandhopadhyay) cannot be used to deny information that is available with a public authority, but not in the form as is sought. In the present case, it is the petitioner's stand that it does not maintain the data "in the manner sought for" and thus, has no obligation to provide the same to the respondent no.1. This stand is, clearly, unsustainable....."

"15. The obvious intention of the Parliament is to ensure that information is available to the public in a form that is convenient to them. In this view, the petitioner's contention that it has no

obligation to provide the information, if it is not maintained in the form in which the respondent no.1 seeks it, cannot be accepted."

- (7) That in view of the above decision and statutory provisions, the information cannot be denied on the ground of non-maintenance when such information is required to be maintained in normal course or is otherwise available in any form with the public authority. Even such information is not deniable invoking Section 7(9) of the RTI Act. Therefore, the impugned order is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (8) That the CPIO and Deemed CPIO has not provided the information as sought in point (I) of the RTI application despite they having stated that a letter has been issued to provide the information sought therein. The CPIO and Deemed CPIO be directed to provide the information as sought therein.
- (9) That the CPIO and the Deemed CPIO has not provided copies of the notesheet and correspondence pages of the relevant file though specifically asked in point (H) of the RTI application. 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.
- (10) 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.
- (11) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (12) 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

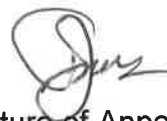
or refused to the appellant.

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

PRAYER

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi
Dated : 09-11-2015

9

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

Ref. No. : RTI/P-195/9492/15

Dated : 21-9-2015

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 copies of all the bills submitted by Mrs. Archana Wadhwa, Shri B.S.V. Murthy and Shri Ashok Jindal, Shri Anil Choudhary, Members, CESTAT during the years 2013, 2014 & 2015.</p> <p>(B) Please provide copies of all the bills submitted by the Air India for the years 2013, 2014 & 2015.</p> <p>(C) Please provide month-wise details of the payment made to Air India from 01-04-2013 till date. In case monthwise details are not available, then payment details in whatever form may be provided according to your convenience.</p> <p>(D) Please provide details of the tour and travel undertaken by Mrs. Archana Wadhwa, Shri Ashok Jindal and Shri Anil Choudhary, Members, CESTAT, during the years 2013, 2014 & 2015, for which no amount has so far been claimed or no bill has so far been submitted including for Air Travel.</p> <p>(E) Please provide details of the amount taken as advance for LTC or for tour & travel by Mrs. Archana Wadhwa, Shri Ashok Jindal and Shri Anil Choudhary, Members, CESTAT, during the years 2013, 2014 & 2015.</p> <p>(F) Please provide certified copies of the log book maintained for the vehicles / staff cars used by the CESTAT, Members, posted at Delhi and at Mumbai for the period 1-1-2015 till the date of providing the information.</p>

	<p>(G) Please intimate the file number in which the matter concerning allotment of the staff cars and vehicles for the CESTAT staff, including Members and President and hiring of vehicles is dealt with at CESTAT, Delhi and Mumbai, for the years 2014 & 2015 and also provide copies of the notesheets for this period and inspection of the entire file.</p> <p>(H) Please provide the file numbers in which the matter concerning requisition of vehicles by the Members, CESTAT at Delhi is dealt with for the years 2014 & 2015 and also provide copies of all notesheets and correspondence pages of the said files.</p> <p>(I) Please provide the vehicle number and the driver assigned to Shri R.K. Singh, Shri Ashok Jindal and Shri Rakesh Kumar from 1-12-2014 till the date of providing the information.</p> <p>(J) Please provide monthwise details of the amount paid for the hiring of the vehicles at CESTAT, Delhi, from 1-3-2014 till the date of providing the information including the details of the amount paid in excess to the monthly fixed rates for each vehicle.</p> <p>NOTE: (1). The above information is sought in larger public interest as the appellant has received information that the CESTAT staff is misusing government resources.</p> <p>(2) 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 041067 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
Hail....

(11)
2

F.No. 10-172/CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 27/10/15
ID No. 10-172/2015

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No 9492/15 Dt. 21/9/15
and our ID No. 10-172/15 the information received from ✓
containing 192 1 pages is enclosed herewith for your reference
please. Annex A

You are, Therefore, requested to please acknowledge the
receipt and deposit Rs. 384-(@2/- per page) to this Tribunal by
cash or DD in favour of Accounts Officer, CESTAT, New Delhi.

[Signature]
w 28
(S.K. VERMA)
Asstt. Registrar/CPIO

Encl:- As above

Copy to:- Computer Section for Website

V-16807

Encl rule

(12)

F.No.151(21)/RTI/CESTAT/11/CT
CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL, WEST BLOCK
NO.2, R.K.PURAM, NEW DELHI-66

Dated: 27 October 2015

Sub: Information Sought under RTI Act 2005 – Reg

27/10/15
CPIO

Kindly refer to Shri R.K. Jain RTI application No.RTI/P-195/9492/15/ dated 21-09-2015 and CPIO letter No. 10-172/CESTAT/CPIO-ND/2015 dated 28-09-2015.

The information required above RTI is supplied as under:-

✓ Item No. (A) - Not pertains to this section.

Item No. (B) - Photo copies of bills received from Air India office for the year 2013, 2014 & 2015 is enclosed (Total pages 68 Nos.)

Item No. (C) - Payment made to Air India office by this office wef 01-04-2013 to till date is enclosed at appx 'A'.

✓ Item No. (D) & (E) – Not pertains to this section.

✓ Item No. (F) - For the Members posted in Delhi vehicles has been hired through out source on monthly rent basis. No log book has been maintained by CESTAT for hired vehicles.


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Item No. (G) - The details of file Number is as under maintained for the years 2014 & 2015:-
27/(10)/Hiring Car/2013-14/CT & 27/1/Hiring Car/2015-16/CT
Photo copy of Note sheet of above files are enclosed as desired by applicant. (Total pages No.124 Nos.) It is for your information that the said files may kindly be inspect by applicant in any working days of this Tribunal.

Item No. (H) - This Section is maintaining only one file for hiring vehicles i.e. 27/1/Hiring Car/2015-16/CT.

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Item No. (I) - Detail of vehicle number and driver assign to Hon'ble Members has not been maintained by the Tribunal. However, a letter has been issued to the contractor for providing the same.

Item No. (J) - Month wise details of the amount paid for hiring of vehicles at CESTAT Delhi wef 01-03-2014 to till date enclosed at appx 'B'.
No amount paid in excess to the monthly fixed rates for each vehicles by this Tribunal.


27/10/15
(Mukesh Gupta)
Asstt. Registrar
General Admn.

Encls: As above

To,

The CPIO/Assistant Registrar
CESTAT, New Delhi

Tribunal Page 192 also -

10-113(A)/15

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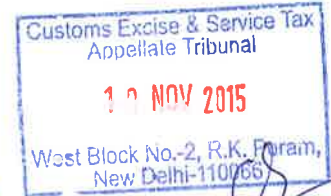
By no. 4240/CR-15
10/11/15**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. : RTI/P-537/(9509/15)/Appeal/16046

Dated : 9-11-2015

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



92
10/11/15

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)	25-09-2015	
3.	Details of the order appealed against	ID No.10-184/2015 dated 20-10-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	20-11-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 25-9-2015.(Annexure-1) 2. Copy of CPIO's letter dated 20-10-2015.(Annexure-2) 3. Copy of the Order dated 12-10-2015 of the CPIO, CESTAT, Kolkata (Annexure-3)	

106/SKM/RTI/15
10/11/15

		4. Copy of the Order dated 5-11-2015 of CPIO, CESTAT, Ahmedabad (Annexure-4) 5. Copy of the Order dated 23-10-2015 of CPIO, CESTAT, Mumbai (Annexure-5)
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BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 25-09-2015 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) Please provide copies of Weekly List of Orders released by Delhi Benches of CESTAT from 01.11.2014 till the date of providing the information.
- (B) Please provide number of orders pending for certification and issue as on 01.01.2015 and as on the date of providing the information in relation to all Benches of the CESTAT, Delhi.
- (C) Please provide list of orders pending for certification and issue as on 01.01.2015 and as on the date of providing the information in relation to all Benches of the CESTAT, Delhi.
- (D) Please provide list of cases in which the orders have not been certified and issued within 7 days of the receipt of order by the Assistant Registrar of all the benches of CESTAT, Delhi during 2015.
- (E) Please provide copy of the Order Issue Register of the all Benches of CESTAT Delhi from 01.01.2015 till the date of providing the information. If no separate register is maintained then the register/record in which such information is contained may be provided.
- (F) Please provide copies of weekly Statement submitted by Sr. PS/PA's at New Delhi, Mumbai, Kolkata, Chennai, Bangalore and Ahmedabad to the Deputy Registrar CESTAT in pursuance to CESTAT Circular dated 07.12.2005. This information may be provided for the period 01.10.2014 till the date of providing the information.

- (G) Please provide inspection of the files at CESTAT, Delhi relating to Weekly Statements submitted in pursuance to CESTAT Circular dated 07.12.2005.
- (H) Please provide details and copies of the action taken for non compliance with the directions contained in the CESTAT Circular dated 7-12-2005 during 2014 & 2015.
- (I) Please provide copies of the weekly Despatch Reports as prescribed in CESTAT Circular Order dated 28.07.2006 and received from Assistant Registrars New Delhi, Mumbai, Kolkata, Chennai, Bangalore and Ahmedabad. The information may be provided for the period from 01.01.2015 till the date of providing the information. The information if available in digital form may be provided on CD Diskette, otherwise photocopies may be provided.
- (J) Please also provide details and copies of the information about action taken in case Weekly Report referred in (I) above has not been received from any of the concerned Assistant Registrars.
- (K) Please provide list of files from which the information as sought above is provided by you.

(2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.

(3) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO and Deemed CPIOs, have deliberately and malafidely not provided complete and correct information as sought by the appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set

aside.

- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO and Deemed CPIOs, have deliberately and malafidely not provided complete and correct information as sought by the appellant on the ground that they were not directed to submit the weekly statement in question, whereas such instructions were issued by circular dated 7-12-2005. The CPIO and the Deemed CPIOs provided incorrect and misleading information with a view to cause obstruction to the information without any reasonable cause. 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 the CPIO has not taken proper assistance under Section 5(4) & (5) of the RTI Act from all the holders of the information with a view to cause obstruction to the information without any reasonable cause. 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 : 9-11-2015

OK

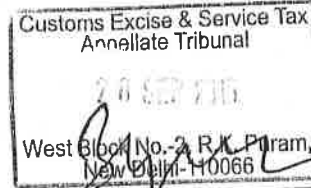
Annexure-1
(6)

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

Ref. No. : RTI/P-195/9509/15
Dated : 25-9-2015


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 copies of Weekly List of Orders released by Delhi Benches of CESTAT from 01.11.2014 till the date of providing the information.</p> <p>(B) Please provide number of orders pending for certification and issue as on 01.01.2015 and as on the date of providing the information in relation to all Benches of the CESTAT, Delhi.</p> <p>(C) Please provide list of orders pending for certification and issue as on 01.01.2015 and as on the date of providing the information in relation to all Benches of the CESTAT, Delhi.</p> <p>(D) Please provide list of cases in which the orders have not been certified and issued within 7 days of the receipt of order by the Assistant Registrar of all the benches of CESTAT, Delhi during 2015.</p> <p>(E) Please provide copy of the Order Issue Register of the all Benches of CESTAT Delhi from 01.01.2015 till the date of providing the information. If no separate register is maintained then the register/record in which such information is contained may be provided.</p> <p>(F) Please provide copies of weekly Statement submitted by Sr. PS/PA's at New Delhi, Mumbai, Kolkata, Chennai, Bangalore and Ahmedabad to the Deputy Registrar CESTAT in pursuance to CESTAT Circular dated 07.12.2005. This information may be provided</p>

		<p>for the period 01.10.2014 till the date of providing the information.</p> <p>(G) Please provide inspection of the files at CESTAT, Delhi relating to Weekly Statements submitted in pursuance to CESTAT Circular dated 07.12.2005.</p> <p>(H) Please provide details and copies of the action taken for non compliance with the directions contained in the CESTAT Circular dated 07.12.2005 during 2014 & 2015.</p> <p>(I) Please provide copies of the weekly Despatch Reports as prescribed in CESTAT Circular Order dated 28.07.2006 and received from Assistant Registrars New Delhi, Mumbai, Kolkata, Chennai, Bangalore and Ahmedabad. The information may be provided for the period from 01.01.2015 till the date of providing the information. The information if available in digital form may be provided on CD Diskette, otherwise photocopies may be provided.</p> <p>(J) Please also provide details and copies of the information about action taken in case Weekly Report referred in (I) above has not been received from any of the concerned Assistant Registrars.</p> <p>(K) Please provide list of files from which the information as sought above is provided by you.</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. 32F 041581 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.		As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.


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

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

F.No. 10-184/CESTAT/CPIO-ND/^{SKV}/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated- 20/10/15
ID No. 10-184/2015

To,


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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 9509/15 dated 25/09/15 and our ID No. 10-184/15... the information received from ~~SPL (M-T RKS, BR)~~ and containing 6 pages is enclosed herewith for your reference and please. ~~IPS-M-J-SKM~~ ~~AJ~~ ~~SB~~

You are, Therefore, requested to please acknowledge the receipt and deposit Rs. 12/- (@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
21/10

Encl:- As above

Copy to:- Computer Section for Website

To

The CPIO,
CESTAT,
New Delhi

Sub: Information sought under RTI Act, 2005.

15/10/15
CPIO

Sir,

Please refer to your letter No.10-184/CESTAT/CPIO-ND/RP/2015, dated 30-09-2015.

2. In response to the information called for under Para-4 of the RTI Application dated 25.09.2015 forwarded by the CPIO, the answers in respect of Para 4(A) to (K) are as under:-

- (i) The information called for in respect of 4(A) to (E) and 4(G) to (K), is not related to Hon'ble Shri R.K. Singh, Member (Technical).
- (ii) Regarding Para 4(F), it is informed that this secretariat was not directed to submit any weekly statement to the Dy. Registrar.

Thanking you,

Yours faithfully,



(S. Senthil Kumaran)
Sr. P.S. to Member
15 October, 2015

Dated:16.10.2015

16/10/15
CPIO

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

Sir,

With reference to your letter No.10-184/CESTAT/CPIO-ND/RP/2015 dated 30.09.2015 in respect of the information sought vide letter ref. no.RTI/P-195/9509/15 dated 25.09.2015 from Shri R.K. Jain, reply of the same is as under:-

- (i) The information sought in respect of para-4 (A) to (E) and 4 (G) to (K), the same is not related to the office of Shri B. Ravichandran, Member (T).
- (ii) Regarding information sought in para-4 (F), it is submitted that the same is not maintained by Sr.PS/PA attached with Hon'ble Member (T), Shri B. Ravichandran.

Ravichandran
16/10/2015

SPS to Shri B. Ravichandran,
Member (Technical)

CPIO, CESTAT, New Delhi

Answer 3 (11)

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
EASTERN BENCH: KOLKATA
169, A.J.C. BOSE ROAD, KOLKATA-700014.**

F.NO. 3/AR/RTI/2015 (Vol-8)

DATE :-12/10/2015

To,
Mr. R.K.Jain
1512-B Bhishm Pitamah Marg
Wazir Nagar
New Delhi-110 003

Sub:- Ref-RTI/P-195/9509/15 dt:-25/09/15 forward by CPIO
New Delhi I.D.No.10-184/15 . dt:- 30/09/15 receive on 12/10/15

Sir,

Please refer to abovementioned application forwarded by CPIO, New Delhi to provide certain information as sought for related to CESTAT Kolkata, after scrutiny it is seen that point no (F) (H) & (I) related to CESTAT Kolkata & replied accordingly.

F). Weekly statement submitted by Sr. PS/PA,

CESTAT Kol as per circular dt:-07/12/05

279 Pages

From 01/10/14 to till date .

H). Complied & hence no action called ~~from~~ for .

I). Copies of weekly dispatch report vide circular

Dt:- 28/07/2006 from 01/01/2015 to till date

131

Pages

pl. pay copy fee as per mli.
for 410 pages

Copy to:- CPIO New Delhi

With a request to forwarded RTI application

Nothing categorically for informations to
be provided.

Yours faithfully

(T.K.SARKAR)

CPIO/Dy. Registrar

V-16632
Grand file.

Annex 4 (12)

(575)

CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL,
O-20, N M.H. COMPOUND, MEGHANI NAGAR,
AHMEDABAD-380016

Telephone No. 079-22683202, Fax No. 22683276

I.D.No. 11-42/2015
Dated: 05.11.2015

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

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

Sir,

Kindly refer to your RTI application No. RTI/P-195/9509/15 dated 25.09.2015 (transferred by CPIO, New Delhi vide ID No. 10-184/15 dated 30.09.2015, received on 12.10.2015) & your letter no. RTI/P-246/9509/15/R16955 dated 12.10.2015, wherein the CPIO, CESTAT, Delhi has requested to provide the information relating to point 4(A to K) of your RTI application. The required information is as under:-

Point 4 (A to E, G to H & J):- In this regards, please find enclosed herewith weekly report as per circular dated 07.12.2015 w.e.f. 01.10.2014 to 30.10.2015 submitted by the custodian of information holders i.e. Shri Kanhaiya Lal, SPS, Shri C. B. Bahalkar, SPS, Shri Govind, Steno.III, Shri Vijay Meena, Steno. II & Shri Abhishek Sharma, Steno. III consisting of 226 pages.

Point 4 (I):- In this connection, please find enclosed herewith the information note dated 19.10.2015 alongwith copies of letters in r/o weekly dispatch report w.e.f. 01.01.2015 consisting of 38 pages. The information has been gathered from Shri P. L. Meena, LDC (Order Section).

Point 4 (K):- Information relating to point 1 has been gather from the order section file of this office.

It is also requested to kindly deposit requisite fee of Rs. 528/- (Rupees Five Hundred Twenty Eight only) for 264 pages, @ Rs. 2/- per page as per the RTI Rules through Indian Postal Order in the name of Accounts Officer, CESTAT Delhi OR Demand Draft in favour of Assistant Registrar, CESTAT payable at Delhi.

If aggrieved, you may file appeal before Shri P. K. Das, Member (Judicial), First Appellate Authority, CESTAT, O/20, N. M. H. Compound, Meghani Nagar, Ahmedabad - 380016 within 30 days of receipt of this reply.

Kindly acknowledge the receipt of the same.

Encl: As above.

(Mohinder Singh)
Deputy Registrar/CPIO
079-22683202
Email ID: arahmedabad@gmail.com

- Copy to :
1. Shri S.K. Verma, Assistant Registrar/CPIO, CESTAT, DELHI—w.r.t. ID No. 10-184/15 dated 30.09.2015.
 2. Assistant Registrar, Computer Section, CESTAT, NEW DELHI---- with the request to upload the copy of RTI application on CESTAT website and also copy of reply of CPIO, CESTAT, Ahmedabad letter no. I.D. 11-42/2015 dated 05.11.2015.

1194

Annex 5

13

CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
WEST ZONAL BENCH, MUMBAI
3rd to 5th Floor, Jai Centre, P.D'Mello Road, Masjid(East), Mumbai-400009.
(Tel.23716847 (Direct) (Tel.23754933(extn.510) (Fax No-2374910)

ID No.58/15-16

23.10.2015

To,

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

Gentleman,

Sub:- RTI/P-195/9509/15 dated 25.09.2015 – reg.

Please refer to your RTI application bearing Ref. No. RTI/P-195/9509/15 dated 25.09.2015, received from Headquarter CESTAT- Delhi, vide ID No. 10-184, dated 30.09.2015, with regards to above mentioned subject, please find enclosed herewith pointwise information received from the all concerned.

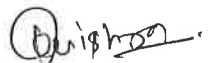
Report received from --- Dy. Registrar vide letter dt.19.10.15 is enclosed –
- [pages-1-171]

Report received from ----- Assistant Registrar, Central Registry/Despatch Section vide letter dated 20.10.15 is enclosed- [page-1]

In compliance to the above, the information pertaining to CESTAT, Mumbai comprises of total 173 pages is enclosed herewith. You are requested to deposit an amount of Rs.346/- (Rupees Three Hundred forty six only) towards the cost of information by way of cash or by demand draft/postal order in favour of the Assistant Registrar, CESTAT, Mumbai and payable at Mumbai.

If aggrieved, appeal can be filed, within 30 days from the date of providing the information with the Hon'ble Shri.M.V.Ravindran, Member (Judicial)/First Appellate Authority under RTI Act, on the above mentioned address.

Yours faithfully,



(Vinay Kumar Mishra)
ASSISTANT REGISTRAR & PIO
CESTAT, MUMBAI

Copy to,

Shri Rajendra Prasad, CPIO/Account Officer,
West Block No.2, R.K.Puram, CESTAT,
New Delhi-110066- for information.

V-16785-Grand file.

14

CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
3rd, 4th & 5th Floor, JaiCentre, 34, P. D'Mello Road, Masjid(E), Mumbai

No.CESTAT/AR/CR/RTI/2015

Dated 20th October, 2015

To

The CPIO
CESTAT, Mumbai


Sub: Information under RTI Act.

Sir,

Please refer to your letter no. 58/15-16 dated 13-10-15 regarding query No. 4(I) of RTI application of Shri R. K. Jain. It is seen that the applicant has sought from CPIO, CESTAT, Delhi the copies of weekly dispatch report received from various benches of CESTAT, including Mumbai Bench. In this context it is to state here that all the weekly dispatch reports from 01-01-2015 in respect of CESTAT, Mumbai were sent to CESTAT, Delhi from time to time and these reports are available on the public domain, www.cestat.gov.in.

However, if desired, photocopies of the reports from 01-01-2015 can be provided.

Yours faithfully,


(D. K. Varma)
Asst. Registrar

NOTE


Date : 19.10.2015

To,
The Assistant Registrar, CPIO,
CESTAT
Mumbai

Sub:- RTI application file No. RTI/P-195/9509/15 dt. 25.09.2015 by Shri. R. K. Jain through CESTAT, New Delhi.

- 1 Para A to E, G, I, J & ~~K~~ does not pertain to this section;
- 2 Para F is containing the photocopies of relevant weekly statement submitted by Sr.PS/PA's of this office from the pages 1 to 171;
- 3 Para H : It seems that the reply to be given by the HQ. whereas concerned with Mumbai Bench no such action initiated.

4. Para K: The copies have been extracted from the file


T. Viwa Prakash
Deputy Registrar
CESTAT, Mumbai

✓Encl. : as above

10-114(A)/15

①

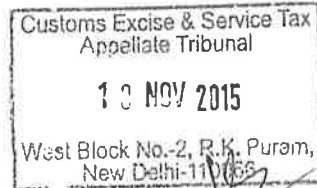
**First Appeal under Section 19 of the Right to Information Act, 2005
against Deemed Refusal**

Ref. No. : RTI/P-501/(9515/15)/Appeal/16071

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 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)	28-09-2015
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	28-11-2015
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 28-9-2015 (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)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 28-09-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide certified copies of all complaints or representations received by President/Vice President, Registrar in relation to the interchanging of the dictation in the case of Paramount Communications Ltd. v. Commissioner of Central Excise - 2013 (287) E.L.T. 213 and also provide Date and Diary No. under which the said complaint was received.*
- (B) *Please also provide date-wise details of the action taken on said complaint by the Registrar and the President in pursuance to the Order dated 28-1-2013 and the action taken by the Registrar as the said complaint was marked to him on 1-2-2013. Please also provide the information in relation to the action taken in pursuance to the note dated 4-2-2013 of the SPS to the Hon'ble President and note dated 5-2-2013 of the Registrar.*
- (C) *Please provide the certified copies of the Shorthand Notebook relating to the dictation taken on 5-6-2012 for two cases for which the dictation is alleged to have been interchanged.*
- (D) *Please provide certified copies of all note sheets and order sheets, note put up by the Registry and the orders thereon by the concerned authorities including the Registrar, Members and the President of CESTAT in relation to appeal No. ST/1459/2011 and the related Stay Application. (copies of these documents were earlier provided by the CESTAT but they are illegible, hence they are again applied for).*

Note The above information was sought under my earlier RTI application No. 4699 (Your ID No. 08-06/2013), but the copies provided by you are not legible copies. You are therefore to provide legible copies.

3

- (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 has not received the information as sought by him in the aforesaid RTI Application, within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005, therefore, as per Section 7(2) of the RTI Act, 2005, the request for information is deemed to have been refused. Thus being aggrieved by said refusal, the appellant is filing the present appeal.

GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the appellant received letter dated 30-9-2015 (**Annexure-2**) of CPIO to Asstt. Registrar, (Customs), ST, CESTAT, New Delhi & AR/TO. The Appellant vide letter dated 12-10-2015 (**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.
- (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.

4

- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the CPIO may be directed to provide the information in question within a time bound frame.
- (c) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (d) That a personal hearing may be granted to the appellant before deciding the appeal.



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

Place : New Delhi
Dated : 07-11-2015

etc

5

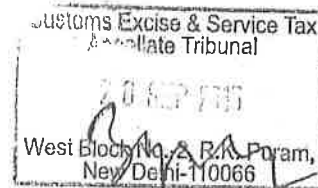
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9515/15

Dated : 28-9-2015

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 certified copies of all complaints or representations received by President/Vice President, Registrar in relation to the interchanging of the dictation in the case of Paramount Communications Ltd. v. Commissioner of Central Excise - 2013 (287) E.L.T. 213 and also provide Date and Diary No. under which the said complaint was received.</p> <p>(B) Please also provide date-wise details of the action taken on said complaint by the Registrar and the President in pursuance to the Order dated 28-1-2013 and the action taken by the Registrar as the said complaint was marked to him on 1-2-2013. Please also provide the information in relation to the action taken in pursuance to the note dated 4-2-2013 of the SPS to the Hon'ble President and note dated 5-2-2013 of the Registrar.</p> <p>(C) Please provide the certified copies of the Shorthand Notebook relating to the dictation taken on 5-6-2012 for two cases for which the dictation is alleged to have been interchanged.</p> <p>(D) Please provide certified copies of all note sheets and order sheets, note put up by the Registry and the orders thereon by the concerned authorities including the Registrar,</p>

Registrar's
office

copy ST.

		<p>Members and the President of CESTAT in relation to appeal No. ST/1459/2011 and the related Stay Application. (Copies of these documents were earlier provided by the CESTAT but they are illegible, hence they are again applied for).</p> <p>Note : (1) The above information was sought under my earlier RTI application No. 4699 (Your ID No. 08-06/2013), but the copies provided by you are not legible copies. You are therefore to provide legible copies.</p> <p>(2) 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. 32F 041587 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

11/11/13
HR

F.No./D.187...../CESTAT/CPIO-ND/RP/2015,
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/9/15

ID No. 10787/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R. K. Jain
 Under RTI Act 2005 vide No. 9515/15 dated
28/8/15 (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. 9515/15 dated 28/8/15 CPIO ID No 10787/15 is
 forwarded herewith to the following officers as deemed CPIO with the
 request to provide correct and para-wise information/inspection on or
 before 16/10/15 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 / Customs / ST, CESTAT, New Delhi

2. _____

3. _____

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

Copy for information to:-

can rel. file ✓ Sh R.K. Jain,
 1512-B BHISHAM PITAMAH MARG,
 WAZIR NAGAR
 16547

ok

Annexure-3

8

R.K. JAIN

M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

Customs Excise & Service Tax
Appellate Tribunal
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-195/9515/15/R16917
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/9515/15, dated 28/9/2015

Dear Sir,

This refers to the letter F. No. 10-187/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]

o/c

9

R.K. JAIN

M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

Customs Excise & Service Tax Appellate Tribunal
13 OCT 2015
West Block No.-2, R.K. Puram, New Delhi-110066

13/10/2015

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9515/15/R16916
12-10-2015

Assistant Registrar

Customs/ST

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K. Puram,

New Delhi - 110066

Sub: My RTI Application No. RTI/9515/15, dated 28/9/2015

Dear Sir,

This refers to the letter F. No. 10-187/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]

10-115(A)/15

①

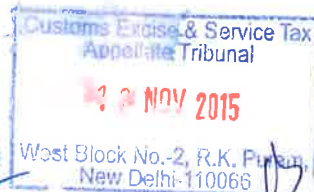
**First Appeal under Section 19 of the Right to Information Act, 2005
against Deemed Refusal**

Ref. No. : RTI/P-501/(9505/15)/Appeal/16069

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 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)	25-09-2015	
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	25-11-2015	
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 25-9-2015 (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)	

2

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 25-09-2015 (**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 No. AD/13/2012 (Huwai Technologies Co. Ltd.)*

(i) *Please provide certified copies of all orders, order sheets, records of proceedings (except Final Order)*

(ii) *Please provide certified copies of all note sheets put up by the Registry and the Court Master and Orders thereon.*

(iii) *Please provide certified copies of all Notes/Observations made by the Hon'ble Member and the President's order thereon.*

(iv) *Please provide certified copies of all Supplementary Cause Lists issued for listing of these appeals.*

(v) *Please provide details of all mention made along with copy of the Mention Memo and endorsements and orders thereon.*

(vi) *Please provide certified copies of all applications made by the appellants and departments except the Stay application and copies of the orders passed thereon.*

(vii) *Please provide copies of all orders or directions received from High Court or Supreme Court in relation to this case.*

(viii) *Please provide certified copies of all communications made by the appellant/their counsel.*

(ix) *Please provide certified copies of all Hearing Notices*

(x) *Please provide copies of all Vakalatnamas with date of their filing and No objections Certificate, if any.*

(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 clause (A) above. Please provide inspection of complete file(s) even if they contain part of the information. I shall*

undertake the inspection only if the information provided is illegible or incomplete.

- (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 has not received the information as sought by him in the aforesaid RTI Application, within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005, therefore, as per Section 7(2) of the RTI Act, 2005, the request for information is deemed to have been refused. Thus being aggrieved by said refusal, the appellant is filing the present appeal.

GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the appellant received letter dated 30-9-2015 (**Annexure-2**) of CPIO to Asstt. Registrar, (Customs), ST & AD CESTAT, New Delhi & AR/TO. The Appellant vide letter dated 12-10-2015 (**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.
- (4) That the information sought is neither voluminous nor relate to older and

4

- larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the CPIO may be directed to provide the information in question within a time bound frame.
- (c) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (d) That a personal hearing may be granted to the appellant before deciding the appeal.



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

Place : New Delhi
Dated : 07-11-2015

o/c

ANNEXURE-1

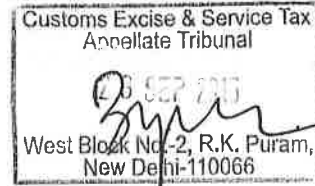
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9505/15

Dated : 25-9-2015

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 the following information in relation to Appeal No. AD/13/2012 (Huwai Technologies Co. Ltd.) (i) Please provide certified copies of all orders, order sheets, records of proceedings (except Final Order) (ii) Please provide certified copies of all note sheets put up by the Registry and the Court Master and Orders thereon. (iii) Please provide certified copies of all Notes/Observations made by the Hon'ble Member and the President's order thereon. (iv) Please provide certified copies of all Supplementary Cause Lists issued for listing of these appeals. (v) Please provide details of all mention made along with copy of the Mention Memo and endorsements and orders thereon. (vi) Please provide certified copies of all applications made by the appellants and departments except the Stay application and copies of the orders passed thereon. (vii) Please provide copies of all orders or directions received from High Court or Supreme Court in relation to this case. (viii) Please provide certified copies of all communications made by the appellant/their counsel.

		<p>(ix) Please provide certified copies of all Hearing Notices</p> <p>(x) Please provide copies of all Vakalatnamas with date of their filing and No objections Certificate, if any.</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 clause (A) above. Please provide inspection of complete file(s) even if they contain part of the information. I shall undertake the inspection only if the information provided is illegible or incomplete.</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. 32F 040324 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.	



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

Place : New Delhi

Encl. : as above

Hira/---
HR

F.No. 10-181/2015 /CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/9/15

ID No. 10-181/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9005/15 dated
25/9/15 (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. 9005/15 dated 25/9/15 CPIO ID No 10-181/2015 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 16/10/15 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, STAAD, CESTAT, New Delhi.

2. _____

3. _____

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

Copy for information to:-

Sh R. K. Jain

1512-B BHISHAM PITAMAH MARG,

HAZIR NAGAR

Handwritten
16530

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. 10-115(A)/2015
CPIO ID No. 10-139/2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of Hearing/Decision: 26.11.2015

ORDER No 69/15

The applicant has sought information vide his RTI application dated 25.09.2015 w.r.t. the Appeal No. AD/13/2012 in the case of HUAWEI Technologies Company Ltd. The CPIO vide his communication dated 25.11.2015 has responded to the said application of the applicant by enclosing therewith the letter dated 04.11.2015 of the AR of the concerned Branch, wherein it has been confirmed that the information cannot be provided since, the same is exempted under section 8 (1)(h) and 8(1)(d) of the RTI Act, 2005.

2. Feeling aggrieved with the communication of the CPIO together with the note dated 04.11.2015 of the AR, the appellant has preferred the present appeal before this forum.

3. Shri R.K. Jain, the applicant in present case submitted that there is no stipulation or embargo in the RTI statute for not providing / furnishing the information, when any matter is sub-judice or pending for disposal before the appellate forum. To support his above stand that information can be furnished on such eventuality, Shri Jain has relied on the following judgements / orders:



- 1) Order dated 02.11.2011 of Hon'ble High Court of Andhra Pradesh in the case of Public Investigation Officer, Syndicate Bank, Vijaywada vs. CIC New Delhi
- 2) Order dated 23.09.2013 of Hon'ble High Court of Delhi delivered in the W.P. (C) 14120/2009 in the case of Municipal Corporation of Delhi Vs. R.K. Jain, and
- 3) Decision dated 30.06.2006 of Central Information Commission passed in the case of Nanak Chand Arora Vs. SBI.

4. On the other hand, the CPIO submitted that the judgements / decisions cited by the appellant is distinguishable from the facts of the present case, in as much as, litigant in those cases are either banks or municipal corporations and not concerning to the litigants before the courts / Tribunal. It is his further submission that in those decided cases, the Hon'ble High Court have not directed any court or Tribunal to furnish the information with regard to the case matters which are sub-judice or awaiting final decision of the Court / Tribunal.

5. I have heard both the sides and perused the record.

6. I find that the AR vide his note dated 04.11.2015 has communicated to the CPIO that the information with regard to the case file No. AD/13/2012 cannot be provided in view of the fact that the matter is sub-judice before the Tribunal, awaiting final disposal. The issue as to whether the matter which is sub-judice before the Tribunal, the information relating to the case matter can be furnished, I find that the judgements/orders cited by the appellant is squarely applicable to the said issue. The relevant paragraphs in the said judgement are extracted herein below for convenience of reference:

- 1) Public Investigation Officer, Syndicate Bank, Vijaywada vs. CIC New Delhi

"Even on merits, this Court has no hesitation to hold that the information sought for by respondent No.2 does not fall within

Arora

the exempted category under Section 8(1)(h) of the Act because the information, which respondent No.2 has sought, relates to pending proceedings before the Debt Recovery Tribunal. However, what is exempted under section 8(1)(h) is information, which would impede the process of investigation or apprehension or prosecution of offenders. It is not the pleaded case of the Bank that any investigation or apprehension or prosecution of respondent No. 2 will be impeded by furnishing information sought for by him. Even if the information relates to a pending dispute before a Court of Tribunal, that would not fall under Section 8(1)(h) of the Act."

2) Municipal Corporation of Delhi Vs. R.K. Jain

"As the CIC has rightly noted, there was no explanation why Section 8(1)(d) would apply. That exemption applies only to matters relating to commercial confidence, trade secrets or intellectual property. 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."

3) CIC Nanak Chand Vs. SBI

"There is no provision in the Act which restricts the disclosure of information merely on the ground of the fact that matter is pending with the Consumer Court. In the instant case, the Court has not forbidden the disclosure of investigation report or inspection of record."

7. I find from the above judgements of the judicial forum that the case matter which are sub-judice before the court or Tribunal is not falling in the category of exempted information in terms of any of the clauses of section 8(1) of the RTI Act, 2005.

8. In view of the foregoing, I do not find any sustenance in the submission of the CPIO that information cannot be furnished by the Tribunal, when a particular case matter is sub-judice before it, in as much as, Tribunal is a judicial body,

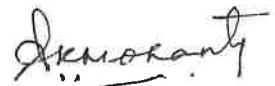


which decides the appeals in the open court. Hence, there is no question of maintaining any secrecy with regard to case file.

9. In view of the above, I am of the considered opinion that information sought for by the appellant can be furnished under the statute. Therefore, the CPIO is directed to furnish all the information to the appellant preferably within a period of 4 weeks from the date of receipt of this order.

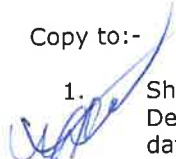
10. With regard to the grievance of the appellant that for providing reply to the RTI application, the CPIO has asked for the fee of Rs. 2/-, I find that charging of fees for furnishing of reply is not in conformity with the statutory provisions, in as much as, the statute only provides for charging fees with regard to supply of copies of documents and not for replying to the RTI application.


11. 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/P-501/9505/15)/Appeal/16069 dated 07.11.2015
 2. CPIO, CESTAT, New Delhi.
 3. Office Copy



Recd Jure by authorized R.K. Jain
25.1.2016