

Appeal No. 10-70(A)/2015

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

Ref. No. : RTI/P-501/(9406/15)/Appeal/15933

Dated : 27-08-2015

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

27 AUG 2015

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	06-08-2015	
3.	Details of the order appealed against	F.No.10-141/CESTAT/CPIO-ND/RP/2015 Dated 18-8-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	18-9-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 6-8-2015 (Annexure-1) 2. Copy of Accounts Officer/CPIO Letter dated 7-8-2015 (Annexure-2) 3. Copy of Appellant's reminder letter dated 14-8-2015 to Registrar (Annexure-3)	

		<p>4. Copy of Appellant's letter dated 17-8-2015 to CPIO (<b>Annexure-4</b>)</p> <p>5. Copy of CPIO's letter dated 18-8-2015 (<b>Annexure-5</b>)</p>
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### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 06-08-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *It is learnt that on 23-7-2015, in the forenoon session, all the Courts at CESTAT New Delhi abandoned the hearing at 12:30 PM. In this regard, please provide the following information:-*
- (i) *Please provide the information as to whether any written instructions were issued for abandoning the hearings in various Courts at CESTAT, New Delhi on 23-7-2015 at 12:30 PM so that Members of the Bar and DRs could attend the Meeting of the President in the Conference Room on that day. Please also provide copy of the said Instructions.*
- (ii) *In case no written instructions were issued, kindly intimate the Name of the Official who issued instructions orally or otherwise for abandoning the hearings on 23-7-2015 at 12:30 PM.*
- (B) *Please provide separate information in relation to each Court.*
- (C) *Please provide the file No. in which matter concerning to the instructions as referred to in Point (A) above is dealt with. Please also provide certified copies of all the note sheets and correspondence pages of the said file.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.

- (3) That Shri Rajender Prasad, Accounts Officer/ CPIO & the Assistant Registrar (SM) & Assistant Registrar Customs/ST/AD (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.

#### **GROUNDS OF APPEAL**

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri Rajender Prasad, Accounts Officer/ CPIO & the Assistant Registrar (SM) & Assistant Registrar, Customs/ST/AD (Deemed CPIOs) have deliberately and malafidely not provided the information on the ground that no such information or records is maintained/available with them. Mere non-maintenance of records is no ground for denying of information. Moreover, non-availability of information with one officer does not mean that the information is not held by the public authority, in such situation the Deemed CPIOs should have transferred/forwarded the application to 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.
- (4) That the CPIO and the Deemed CPIOs have erred in denying the information on the ground that the records are not maintained/available in their sections. Under the RTI Act, the maintenance of information is not the pre-requisite for providing the information. Since the information sought is held by the public authority, it is to be provided. Recently the First Appellate Authority of the CIC in the case of S.C. Agarwal V/s. CIC – First appeal No. CIC/AA/A/2013/269 decided on 3-10-2013 basing its

decision on Supreme Court judgment held as under: -

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

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

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

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

to provide the information in time bound frame.

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

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

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


- (5) That the other Deemed CPIOs including the Registrar has not provided the information as sought by the appellant. Therefore they may be directed to provide the information.
- (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 : 27-08-2015

d/c

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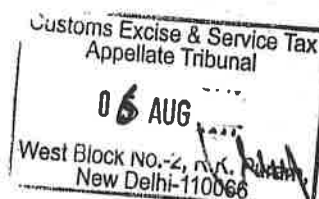
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9406/15

Dated : 6-8-2015

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) It is learnt that on 23-7-2015, in the forenoon session, all the Courts at CESTAT New Delhi abandoned the hearing at 12:30 PM. In this regard, please provide the following information:-</p> <p>(i) Please provide the information as to whether any written instructions were issued for abandoning the hearings in various Courts at CESTAT, New Delhi on 23-7-2015 at 12:30 PM so that Members of the Bar and DRs could attend the Meeting of the President in the Conference Room on that day. Please also provide copy of the said Instructions.</p> <p>(ii) In case no written instructions were issued, kindly intimate the Name of the Official who issued instructions orally or otherwise for abandoning the hearings on 23-7-2015 at 12:30 PM.</p> <p>(B) Please provide separate information in relation to each Court.</p> <p>(C) Please provide the file No. in which matter concerning to the instructions as referred to in Point (A) above is dealt with. Please also provide certified copies of all the note sheets and correspondence pages of the said file.</p> <p><b>Note:-Please provide pointwise information/response for each of above points.</b></p>

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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 026865 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 <b>within 30 days of the Application.</b>

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

Place : New Delhi  
Encl. : as above  
11/11/07.....9406 (1.B)



F.No.....10-141...../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 07/08/15

ID No. 10-141/2015


Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R. K. Jain  
Under RTI Act 2005 vide No. 9406/15 dated  
06/08/15 (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. 9406/15 dated 06/08/15 CPIO ID No 10-141/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 24/8/2015 directly to the applicant and intimate the  
undersigned within the stipulated time, failing which you are  
personally responsible for delay and penalty if any, under section 20 of  
RTI Act. You are, further requested to follow OM No.12/31/2013-IR  
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

  
(Rajender Prasad)  
Accounts Officer/CPIO

To

1 Registrar, CESTAT New Delhi.

2 \_\_\_\_\_

3 \_\_\_\_\_  
X4. IT/IT, Computer etc for uploading on website

✓ Copy for information to:-

Sh R. K. Jain,  
1512-B BHISHAM PITAMAH MARG,  
W.A. 10 NAGAR, NEW DELHI- 110003.

o/c

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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



**ANNEXURE - 3**

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

RTI/P-195/9406/15/R16131  
14-08-2015

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

Sub: My RTI Application No. RTI/9406/15, dated 6/8/2015

Dear Sir,

This refers to the letter ID No. 10-141/2015 dated 7-8-2015 of Mr. Rajender Prasad, Accounts Officer, 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]

etc

ANNEXURE-4  
THE HONOURABLE  
RTI

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

Customs Excise & Service Tax  
Appellate Tribunal  
18 AUG 2015  
West Block No. 2  
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-195/9406/15/R16139  
17-08-2015

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

**Sub: My RTI Application No. RTI/9406/15, dated 06/08/2015**

Dear Sir,

You by letter No. 10-141/CESTAT/CPIO-ND/RP/2015 dated 7-8-2015 has forwarded my RTI application under section 5(4), 5(5) and 6(3) of the RTI Act, to the Registrar, CESTAT. The applicant understands that the most of the information sought by the appellant is held by the Court Masters to the Courts at CESTAT, New Delhi and the Hon'ble President, Hon'ble Shri Ashok Jindal, Member (J) and Hon'ble S.K. Mohanty, Member (J), therefore, my application may also be forwarded to them u/s 5(4) and 5(5) of the RTI Act.

Thanking you,

Yours faithfully,



**[R.K. Jain]**

F.No. ~~10-141~~ CESTAT/CPIO-ND/RP/2015  
Customs Excise and Service Tax Appellate Tribunal  
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 18-08-2015ID No. 10-141/2015

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. 9406/2015 Dt 06-08-15  
and our ID No. 10-141/2015 the information received from AR, Custom  
containing 01 to 01 pages is enclosed herewith for your reference AR, SM  
please. = 02

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

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SINGLE MEMBER BRANCH

Please refer to your letter No.F.No.10-141/CESTAT/CPIO-ND/RP/2015 dated 07/08/2015 regarding the RTI application I.D. No.10-141/2015.

In this regard, it is submitted that the information sought is as follows:

Point 'A'

- (i) No such information/record is maintained/available in the Single Member Bench registry.
- (ii) No such information/record is maintained/available in the Single Member Bench registry.

Point 'B'

No such information/record is maintained/available in the Single Member Bench registry.

Point 'C'

No such information/record is maintained/available in the Single Member Bench registry.

You are requested to kindly acknowledge the receipt of the reply.

8  
12/8/15

12/8/15

Assistant Registrar – SM

CPIO

(14)

CUSTOMS, SERVICE TAX & ANTIDUMPING BRANCH

I.D.No.10-141/2015

With reference to your I.D.No.10-141/2015 dated 7.8.2015 , the information sought by you vide point (A),(B)&(C) in this regard it is submitted that no such information is maintained or available with this bench Registry.

Dated:12.8.2015

*[Signature]*  
12/8/15  
Asstt. Registrar.

Copy to:-

✓ 1.CPIO.

2.O/c.

A.R.

**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. 10-70 (A) /2015**  
**CPIO ID No. 10-141/2015**

Shri R.K.Jain

...Appellant

Vs.

Shri S. K. Verma, Assistant Registrar/CPIO

...Respondent

Date of Hearing/Decision: 03.11.2015

**ORDER** No 66/2015

For non receipt of certain information asked for vide RTI application dated 6.8.2015, the appellant has filed the appeal before this forum.

2. When the matter called for hearing on 13.10.2015, the appellant raised a preliminary objection that since the information were sought from the Registrar CESTAT vide order dated 7.8.2015 of the CPIO, how and under what circumstances, the replies to the said letter were received from the Assistant Registrars (single member)- Customs & Excise. He further submits that since the information were specifically sought for from the Registrar initially, the same should have been complied by himself and not through any other person. In this context, the appellant has placed reliance on its letter dated 14.08.2015 addressed to the Registrar. In response to the preliminary objection of the appellant, the respondent CPIO has filed an additional submission on 16.10.2015 which were taken on record. In the said additional submissions, the CPIO has referred to the letter dated 7.8.2015, which were endorsed to the Assistant Registrar – Single Member/ Customs/ Excise by deleting the name of the Registrar – CESTAT. The said letter

**ISSUED ON**  
19/11/15  
SIGN. (DESPATCH SECTION)  
CUSTOMS, EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI-110066

*Any*

was endorsed to the Assistant Registrar on 11.08.2015 and the letter was dispatched on 12.08.2015 to the appellant.

3. Heard both sides and perused the records.

4. Both the sides agree that the letter dated 6.8.2015 of the appellant, seeking information can be responded by the Registrar/ Assistant Registrar (Admn.)/ Sr. SPS to President/ Assistant Registrar (Excise). Considering the facts that both sides agree that the RTI application can be responded by the above mentioned officials, I am of the view that the information as sought for can be furnished to the appellant. Accordingly, all concerned are directed to comply with this order strictly within a period of two weeks from the date of receipt of this order. The appeal is disposed of in above terms.

*S.K. Mohanty*

**(S.K. MOHANTY)**

**APPELLATE AUTHORITY**

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/(9313/15)/Appeal/15837 dated 17.07.2015

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

3. Office Copy

*17-11-15*

*o/c*  
*17-11-15*



Appeal No. 10-69(A)/2015

①

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

Ref. No. : RTI/P-501/(9407/15)/Appeal/15929

Dated : 27-08-2015

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

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	06-08-2015	
3.	Details of the order appealed against	F.No.10-139/CESTAT/CPIO-ND/RP/2015 Dated 7-8-215	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	7-9-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 6-8-2015 (Annexure-1) 2. Copy of Accounts Officer/CPIO Letter dated 7-8-2015 (Annexure-2) 3. Copy of appellant's letter to Asstt. Registrar (Excise), CESTAT dated 14-8-2015 (Annexure-3)	

		<p>4. Copy of appellant's letter to Asstt. Registrar (Customs), CESTAT dated 14-8-2015 (<b>Annexure-4</b>)</p> <p>5. Copy of appellant's letter to Asstt. Registrar (SM), CESTAT dated 14-8-2015 (<b>Annexure-5</b>)</p> <p>6. Copy of appellant's letter to SPS to President, CESTAT dated 14-8-2015 (<b>Annexure-6</b>)</p> <p>7. Copy of appellant's letter dated 17-8-2015 (<b>Annexure-7</b>)</p> <p>8. Copy of CPIO's letter dated 14-8-2015 (<b>Annexure-8</b>)</p>
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### BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 06-08-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *It is learnt that during July, 2015, the Court Masters at CESTAT, Delhi made announcements about the Meeting to be held by the President, CESTAT, in the Conference Room of the CESTAT on 23-7-2015 at 1:00 PM. In this regard, please provide the following information:-*

(i) *Please provide the name of the Court Masters who had been on duty in various Courts of CESTAT, New Delhi during the period from 15-7-2015 to 24-7-2015.*

(ii) *Please provide information whether any written instructions were issued to each of the Court Masters for making the aforesaid announcement. If yes, please provide a certified copy of the same.*

(iii) *In case no written instructions were issued, please provide the name of the official who had orally or otherwise instructed each of the Court Masters to make the announcement for the Meeting and also the dates on which such instructions were issued to the Court Masters and the manner of issuing such instructions.*

- (3)
- (iv) *Please provide details as to the official to whom the Court Masters have reported about having made the announcements. In case any written report is sent, provide a copy of the same.*
- (B) *Please provide separate information in relation to each Court Master*
- (C) *Please provide the file No. in which matter concerning to the instructions issued to the Court Masters on the aforesaid Meeting of the President held on 23-7-2015 in the Conference Room. Please also provide certified copies of all the note sheets and correspondence pages of the said file or folder.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri Rajender Prasad, Accounts Officer/ CPIO & the 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 Rajender Prasad, Accounts Officer/ CPIO & the Deemed CPIOs have deliberately and malafidely not provided complete and correct information as sought by the appellant. Therefore, the order of the CPIO is

liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

- (4) That the AR of the Central Excise branch and the Customs, Service tax and Anti Dumping branch have not provided any 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 the CPIO has erred in not transferring the RTI application to the Court Masters of the CESTAT New Delhi, The Registrar, CESTAT and the Hon'ble President of the CESTAT thereby he has obstructed 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.
- (6) That the Assistant Registrar (SM) has erred in not forwarding the RTI application to the concerned Court masters Shri Balbir Chand and Shri Dheeraj Lal nor their reports has been enclosed with the RTI replies. This has been done to suppress 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.
- (7) That the CPIO has failed to provide even the names of the Court Masters which were on duty at CESTAT Delhi during the relevant period. Tis itself shows that the CPIO is obstructing the information despite advice of Shri S.C. Das, SPS to the Hon'ble President, Deemed CPIO. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (8) That Shri S.C. Das has erred in denying the information as sought in point (A) (ii) to (iv), (B) & (C) of the RTI application on the ground that no records are maintained/available in the office of the President. In such circumstances, he should have forwarded the application to 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.

- (9) That the AR(SM) has erred in denying the information on the ground that records are not maintained/available in the Single Member Bench. In such situation, he should have forwarded the RTI application to 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.
- (10) That the CPIO and the Deemed CPIOs has erred in denying the information on the ground that the records are not maintained/available in their sections. Under the RTI Act, the maintenance of information is not the pre-requisite for providing the information. Since the information sought is held by the public authority, it is to be provided. Recently the First Appellate Authority of the CIC in the case of S.C. Agarwal V/s. CIC – First appeal No. CIC/AA/A/2013/269 decided on 3-10-2013 basing its decision on Supreme Court judgment held as under: -

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

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

*The information sought for by the appellant squarely falls within the ambit of the information of as defined under the RTI Act, there is no*

*denying that it is within the mischief of section 2 (j) of the RTI Act. In view of this, and the reliance placed on the judgment of the Commission dated 23.05.2013 in the case of R.K. Jain Vs. CIC, the replies given in response to the four queries namely 4, 5, 7 and 8 by the nodal CPIO is set-aside and he is directed to obtain the information from the concerned registries or provide access to the information seeker to peruse the records and get the required information. The CPIO is free to proceed in terms of the provisions of the RTI Act while replying again to these queries."*

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

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

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

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

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

- (11) 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.
- (12) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (13) 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.
- (14) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (15) 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 : 27-08-2015



of 19

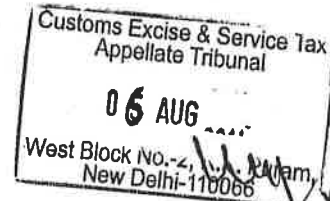
Application under Section 6 of the Right to Information Act, 2005

Ref. No. : RTI/P-195/9407/15

Dated : 6-8-2015

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) It is learnt that during July, 2015, the Court Masters at CESTAT, Delhi made announcements about the Meeting to be held by the President, CESTAT, in the Conference Room of the CESTAT on 23-7-2015 at 1:00 PM. In this regard, please provide the following information:-</p> <p>(i) Please provide the name of the Court Masters who had been on duty in various Courts of CESTAT, New Delhi during the period from 15-7-2015 to 24-7-2015.</p> <p>(ii) Please provide information whether any written instructions were issued to each of the Court Masters for making the aforesaid announcement. If yes, please provide a certified copy of the same.</p> <p>(iii) In case no written instructions were issued, please provide the name of the official who had orally or otherwise instructed each of the Court Masters to make the announcement for the Meeting and also the dates on which such instructions were issued to the Court Masters and the manner of issuing such instructions.</p> <p>(iv) Please provide details as to the official to whom the Court Masters have reported about having made the</p>

not found  
to be correct.

		<p>announcements. In case any written report is sent, provide a copy of the same.</p> <p>(B) Please provide separate information in relation to each Court Master</p> <p>(C) Please provide the file No. in which matter concerning to the instructions issued to the Court Masters on the aforesaid Meeting of the President held on 23-7-2015 in the Conference Room. Please also provide certified copies of all the note sheets and correspondence pages of the said file or folder.</p> <p><b>Note:-Please provide pointwise information/ response for each of above points.</b></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 026864 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 <b>within 30 days of the Application.</b>	



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

Place : New Delhi

Encl. : as above

11m/....9407 / (1,13)

F.No. 10-139...../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 07/08/15

ID No. 10-139/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9407/2015 dated  
06.08.15 (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. 9407/15 dated 06.08.15 CPIO ID No 10-139/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 24/8/2015 directly to the applicant and intimate the  
undersigned within the stipulated time, failing which you are  
personally responsible for delay and penalty if any, under section 20 of  
RTI Act. You are, further requested to follow OM No.12/31/2013-IR  
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

  
(Rajender Prasad)  
Accounts Officer/CPIO

To

- 1 SPS President, CESTAT New Delhi
- 2 Asst. Registrar, CESTAT New Delhi  
SM/Customs/Excise

3  
4 IT/ITo, Computer Rm for uploading on website

Copy for information to:-

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

o/c

Annex 3

12



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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

Central Excise Law Guide; Central Excise Tariff of India;  
Central Excise Law Manual; Customs Tariff of India;  
Customs Law Manual; Excise & Customs Circulars  
& Clarifications; Excise & Customs Case 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-195/9407/15/R16130  
14-08-2015

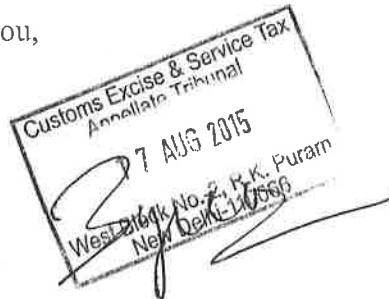
Asstt. Registrar (Excise)  
Customs Excise & Service Tax Appellate Tribunal,  
West Block 2, R.K.Puram,  
New Delhi- 110066

**Sub: My RTI Application No. RTI/9407/15, dated 6/8/2015**

Dear Sir,

This refers to the letter ID No. 10-139/2015 dated 7-8-2015 of Mr. Rajender Prasad, Accounts Officer, 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]

7/11

Amum 4  
TIME BOUND  
RTI

13

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

President, Excise and Customs Bar Association,

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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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;  
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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-195/9407/15/R16129  
14-08-2015

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

**Sub: My RTI Application No. RTI/9407/15, dated 6/8/2015**

Dear Sir,

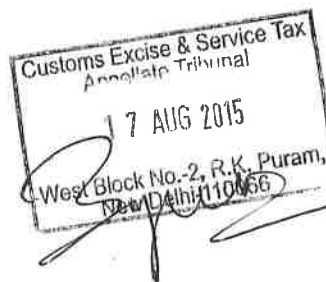
This refers to the letter ID No. 10-139/2015 dated 7-8-2015 of Mr. Rajender Prasad, Accounts Officer, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide 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]



LB

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

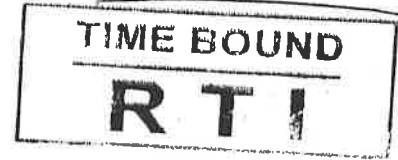
President, Excise and Customs Bar Association

Editor of

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& Clarifications; Excise & Customs Case Referencer;  
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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-195/9407/15/R16128  
14-08-2015

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

**Sub: My RTI Application No. RTI/9407/15, dated 6/8/2015**

Dear Sir,

This refers to the letter ID No. 10-139/2015 dated 7-8-2015 of Mr. Rajender Prasad, Accounts Officer, 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]

LB

o/c



Annexure 6.

**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-/9407/15/R16127  
14-08-2015

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

**Sub: My RTI Application No. RTI/9407/15, dated 6/8/2015**

Dear Sir,

This refers to the letter ID No. 10-139/2015 dated 7-8-2015 of Mr. Rajender Prasad, Accounts Officer, 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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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

Annexure 7

TIME BOUND  
**RTI**

18 AUG 2015

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

RTI/P-195/9407/15/R16144  
17-08-2015

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

Sub: My RTI Application No. RTI/9407/15, dated 06/08/2015

Dear Sir,

You by letter No. 10-139/CESTAT/CPIO-ND/RP/2015 dated 7-8-2015 has forwarded my RTI application under section 5(4), 5(5) and 6(3) of the RTI Act, to the SPS to the President, Asstt. Registrar, CESTAT, Single Member/Customs/Excise Branch of CESTAT, New Delhi. The applicant understands that the information sought by the appellant is also held by the Registrar, CESTAT and Court Masters to the Courts at CESTAT, New Delhi, therefore, my application may also be forwarded to them u/s 5(4) and 5(5) of the RTI Act.

Thanking you,

Yours faithfully,



[R.K. Jain]



Annexure 8

(17)

F.No. 10-139/ CESTAT/CPIO-ND/RP/2015  
Customs Excise and Service Tax Appellate Tribunal  
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 14/08/15

ID No. 10-139/15

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. 9407/2015 Dt. 06.08.15  
and our ID No. 10-139/15.... the information received from AD-SM & SPS-Pradesh  
containing 2 pages is enclosed herewith for your reference  
please.

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

(Rajender Prasad)

Accounts Officer/CPIO

Encl:- As above

Copy to:- Computer Section for website

V-15747

Recd M/c

(18)

CESTAT, New Delhi

Dated: 14.8.2015

In pursuance of the letter F.No. 10-139 /CESTAT/CPIO-ND/NK/2015 dated 7.8.2015 seeking information relating to the points made in the RTI Application No. RTI/P-195/9407/2015 dated 6.8.2015, it is submitted that -

- (a) Reply to query No. (A) (i), the same would be available from the concerned posting/issuing Section which can provide the name of the Court Masters as to who were on duty in various Courts of CESTAT, New Delhi during the period 15.7.15 to 24.7.15.
- (b) With regard to queries Nos. (ii) to (iv), (B) & (C). records are not maintained /available in the office of Hon'ble President.

  
(S.C. Das)

Sr.P.S. to Hon'ble President

CPIO, CESTAT, NEW DELHI

(19)

SINGLE MEMBER BRANCH

Please refer to your letter No.F.No.10-139/CESTAT/CPIO-ND/RP/2015 dated 12/08/2015 regarding the RTI application I.D. No.10-139/2015.

In this regard, it is submitted that the information sought is as follows:

Point 'A'

- (i) Shri Balbir Chand, Court Master & Shri Dheeraj Lal, Court Master were on duty in the Single Member from 15.07.2015 to 24.07.2015
- (ii) No such information/record is maintained/available in the Single Member Bench registry.
- (iii) No such information/record is maintained/available in the Single Member Bench registry.
- (iv) No such information/record is maintained/available in the Single Member Bench registry.

Point 'B'

No such information/record is maintained/available in the Single Member Bench registry.

Point 'C'

No such information/record is maintained/available in the Single Member Bench registry.

You are requested to kindly acknowledge the receipt of the reply.

8/12/15

CPIO

12/08/15

Assistant Registrar - SM

**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.10-69 (A)/CESTAT/FAA-SKM/2015**  
**CPIO ID NO.10-139/CESTAT/CPIO-RP/2015**

Shri R.K. Jain

...Appellant

Vs.

Shri S.K.Verma, Assistant Registrar/CPIO

..Respondent

Date of Hearing/Decision: 13.10.2015

**ORDER** No 62/2015

The grievance of the appellant in this appeal is that information sought from the Asstt. Registrars of Customs, Excise, Service Tax and Anti-dumping Benches have not been provided to the appellant. Further, the RTI Application has not been forwarded by the Assistant Registrars to the concerned Court Masters for submission of information, which according to the appellant, has been done intentionally to suppress the information. The appellant also aggrieved with the reply furnished by the Asstt. Registrar (SM), since the same is not to his satisfaction. It is his further submission that the reply furnished by SPS of Hon'ble President is not correct and satisfactory.

To the above submissions of the appellant, the reply of the CPIO are that part information pursuant to RTI application has already been furnished to the appellant, which are correct and proper since supplied based on the records maintained in the Tribunal. With regard to the other information sought for, the submissions of CPIO are that the same are not maintainable, in view of the restrictions contained in the

ISSUED ON  
20/10/15  
SIGN. (DESPATCH SECTION)  
EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI

RTI Statute and also in the Judicial Manual of CESTAT. CPIO also submits that the information sought for are no way connected to the statutory functioning of the CESTAT. Thus, according to him the information cannot be furnished.

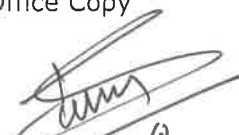
Considering the fact that the CPIO has questioned the maintainability of the RTI Application with regard to the information sought for, I am of the view that the CPIO should furnish adequate explanation as to why the information cannot be furnished. Therefore, the CPIO is directed to file written brief for the same, preferably within a period of two weeks. The matter to come up for hearing on **3<sup>rd</sup> November, 2015.**

The CPIO shall furnish the written brief to the appellant well in advance preferably on or before 28.10.2015.

  
(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/ (9407/15) /Appeal/ 15929 dated 27.08.2015.
2. Shri S.K.Verma, Assistant Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy

  
20/10

Appeal no 10-68(A)/2015

①

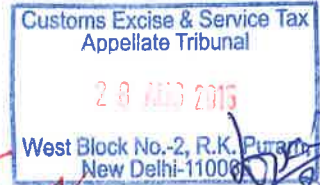
**First Appeal under Section 19 of the Right to Information Act, 2005  
against Deemed Refusal**

Ref. No. : RTI/P-537/(9319/15)/Appeal/15942

Dated : 27-08-2015

To

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



**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	17-07-2015	
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	17-9-2015	
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 17-7-2015.(Annexure-1) 2. Copy of CPIO's letter dated 24-7-2015.(Annexure-2)	

		3. Copy of Appellant's letter dated 31-7-2015 to AR(Excise). <b>(Annexure-3)</b> 4. Copy of CPIO's letter dated 21-8-2015. <b>(Annexure-4)</b>
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 17-07-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide inspection of case records of the following files*
- (i) *E/57746/2013-EX-DB - Liuging Indian Pvt. Ltd.*
- (ii) *E/58707-58708/2013-EX-DB - CEV Engineering Pvt. Ltd.*
- (iii) *E/59599/2013-EX-DB & E/60744/2013-EX-DB - Jaiswal Neco Industries Ltd.*
- (iv) *E/57353-56/2013-EX-DB & E/57513-16/2013-EX-DB - Diamond Products India & Others*
- (v) *E/51970/2014-EX-DB - National Steel Agro Industries*
- (vi) *E/58360/2013-EX-DB - G.G. Automotive Gears Ltd.*
- (vii) *E/59303/2013-EX-DB - Bharat Oman Refineries Ltd.*
- (viii) *E/50957/2014-EX-DB - Autoways India*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the appellant received letter dated 24-7-2015 (**Annexure-2**) of CPIO to AR (Excise). The Appellant vide letter dated 31-7-2015 (**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.

### **GROUND OF APPEAL**

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of CPIO & Deemed CPIO is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.



- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

**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 : 27-08-2015

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

ANNEXURE - I

Ref. No. : RTI/P-195/9319/15

Dated : 17-7-2015

To

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

20 JUL 2015

1.	Name of the Applicant	R.K. Jain
2.	Address	.1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide inspection of case records of the following files (i) E/57746/2013-EX-DB - Liuging Indian Pvt. Ltd. (ii) (ii) E/58707-58708/2013-EX-DB - CEV Engineering Pvt. Ltd. (iii) E/59599/2013-EX-DB & E/60744/2013-EX-DB - Jaiswal Neco Industries Ltd. (iv) E/57353-56/2013-EX-DB & E/57513-16/2013-EX-DB - Diamond Products India & Others (v) E/51970/2014-EX-DB - National Steel Agro Industries (vi) E/58360/2013-EX-DB - G.G. Automotive Gears Ltd. (vii) E/59303/2013-EX-DB - Bharat Oman Refineries Ltd. (viii) E/50957/2014-EX-DB - Autoways India
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. 26F 027498 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

F.No. 10719...../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 24/7/15

ID No. 10719/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R. K. Jain  
Under RTI Act 2005 vide No. 9319/2015 dated  
17/7/15 (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. 9319/15 dated 17/7/15 CPIO ID No 10719/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 5/8/2015 directly to the applicant and intimate the  
undersigned within the stipulated time, failing which you are  
personally responsible for delay and penalty if any, under section 20 of  
RTI Act. You are, further requested to follow OM No.12/31/2013-IR  
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

(Signature)  
(Rajender Prasad)  
Accounts Officer/CPIO

To

1. AR, CESTAT, New Delhi.

2. \_\_\_\_\_

3. \_\_\_\_\_  
4. MR/To, Computer R/o for uploading on Website

✓ Copy for information to:-

Sh R.K. Jain,  
1512-B BHISHAM PITAMAH MARG,  
WARINAGAR, New Delhi -110005.

*o/c*

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

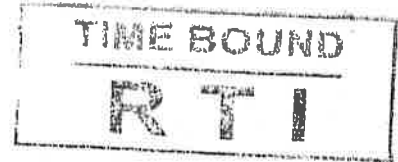
President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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



**ANNEXURE-3**

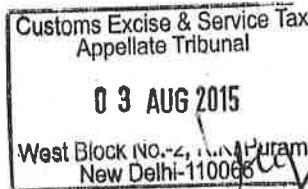
**1512-B, Bhishm Pitamah Marg,  
Wazir Nagar,**

**NEW DELHI - 110 003.**

**PHONE : 24693001-3004**

**MOBILE : 9810077977**

**Fax No. 011-24635243**



*R.K. Jain*  
RTI/P-195/9319/15/R15935  
31-07-2015

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

**Sub: My RTI Application No. RTI/9319/15, dated 17/7/2015**

Dear Sir,

This refers to the letter F. No. 10-119/CESTAT/CPIO-ND/RP/2015 dated 24.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

*R.K. Jain*  
[R.K. Jain]

Reminded  
ANNEXURE-4

F.No. 10-119.../CESTAT/CPIO-ND/RP/2015  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 21-08-2015

ID No. 10-119/2015

Subject : Information sought under RTI Act.

Please refer to RTI application No. 9319/15 dated 17-07-15 of Shri R.K. Jain CPIO ID 10-119/15 the requisite information was called for from you, the same have not been provided by you till dated despite of letter/reminder dated 24-7-15 Issued to you as deemed CPIO under section 6(3) and section 5(4) read with section 5(5) of Right to Information Act as you are the custodian of the information.

You are again requested to please provide the information within Immediatly days failing which you are responsible for any action or penal action imposed by the First appellate Authority or the Central Information Commission.

Accounts Officer/CPIO

To

CD AR, Excise, CESTAT, New Delhi

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V-15888

Genl. M. S.

**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.10-68(A)/CESTAT/FAA-SKM/2015  
CPIO ID NO.10-119/CESTAT/CPIO-RP/2015

Shri R.K. Jain

...Appellant

Vs.

Shri S.K.Verma, Assistant Registrar/CPIO

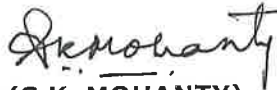
...Respondent

Date of Hearing/Decision: 13.10.2015

**ORDER** No 61/2015

Vide RTI application dated 17.07.2015, the appellant sought for inspection of various records/documents, which were denied by the concerned officials. As a result, the appellant has filed the appeal before this forum. During the course of hearing, the appellant placed on record the letter dated 17.09.2015 addressed to the Asst. Registrar (Excise), specifically mentioning therein the documents/ information required by him. The copy of the said letter was also endorsed to the CPIO.

Considering the fact that the appellant requires the documents, which are not prohibited for supply under the statute, I am of the view that the same can be furnished and accordingly, the CPIO is directed to **comply** with the requirement within a period of two weeks from the **date** of receipt of this order.

  
(S.K. MOHANTY)  
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (9319/15) /Appeal/ 15942 dated 27.08.2015.
2. Shri S.K.Verma, Assistant Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy

ISSUED ON  
30.10.2015  
DESPATCH SECTION  
CUSTOMS, EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI

 20/10

  
20/10

Appeal No. 10-62(A)/2015

1

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

Ref. No. : RTI/P-537/(9320/15)/Appeal/15944

Dated : 27-08-2015

To

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



**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	17-07-2015
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	17-9-2015
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 17-7-2015.(Annexure-1) 2. Copy of CPIO's letter dated 24-7-2015.(Annexure-2) 3. Copy of Appellant's letter dated 31-7-2015 to AR(Excise). (Annexure-3) 4. Copy of CPIO's letter dated 21-8-2015.(Annexure-4)

2

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 17-07-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
  - (A) *Please provide inspection of case records of the following files*
    - (i) *E/51395/2014-EX-DB - Rockwell Industries*
    - (ii) *E/57482/2013-EX-DB - Kailash Traders*
    - (iii) *E/58715/2013-EX-DB - Godrej Consumer Products Ltd.*
    - (iv) *E/1579/2011-EX-DB - Panacea Biotech Ltd.*
    - (v) *E/58787/2013-EX-DB - A.G. Fats Ltd.*
    - (vi) *E/59601/2013-EX-DB - Simplex Casting Ltd.*
    - (vii) *E/59258/2013-EX-DB - Lafarge India Pvt. Ltd.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the appellant received letter dated 24-7-2015 (**Annexure-2**) of CPIO to AR (Excise). The Appellant vide letter dated 31-7-2015 (**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.

### 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

- (3) That the inaction of CPIO & Deemed CPIO is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

#### **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 : 27-08-2015

of

ANNEXURE- I

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

Ref. No. : RTI/P-195/9320/15

Dated : 17-7-2015

To

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

20 JUL 2015

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide inspection of case records of the following files (i) E/51395/2014-EX-DB - Rockwell Industries (ii) E/57482/2013-EX-DB - Kailash Traders (iii) E/58715/2013-EX-DB - Godrej Consumer Products Ltd. (iv) E/1579/2011-EX-DB - Panacea Biotech Ltd. (v) E/58787/2013-EX-DB - A.G. Fats Ltd. (vi) E/59601/2013-EX-DB - Simplex Casting Ltd. (vii) E/59258/2013-EX-DB - Lafarge India Pvt. Ltd.
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. 26F 027500 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

ANNEXURE- 2 (3)

F.No. 10-120...../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 24/7/15

ID No. 10-120/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9320/15 dated  
17/7/15 (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. 9320/15 dated 17/7/15 CPIO ID No 10-120/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 5/8/15 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 Br., CESTAT, New Delhi.

2. \_\_\_\_\_

3. \_\_\_\_\_

4. AR/To, Computer Rm for uploading on website

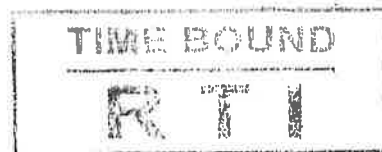
Copy for information to:-

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

V-15356.

Recd Note

o/c



ANNEXURE- 3

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

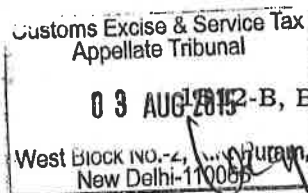
President, Excise and Customs Bar Association

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 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



03 AUG 2015-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9320/15/RI5934  
31-07-2015

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

**Sub: My RTI Application No. RTI/9320/15, dated 17/7/2015**

Dear Sir,

This refers to the letter F. No. 10-120/CESTAT/CPIO-ND/RP/2015 dated 24.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

~~RECEIVED~~

ANNEXURE-4

F.No. 10-120/CESTAT/CPIO-ND/RP/2015  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 21-08-2015

ID No. 10-120/2015

Subject : Information sought under RTI Act.

Please refer to RTI application No. 9320/15 dated 17-07-2015 of Shri R.K. Jain CPIO ID 10-120/15 the requisite information was called for from you, the same have not been provided by you till dated despite of letter/reminder dated 24-7-15 issued to you as deemed CPIO under section 6(3) and section 5(4) read with section 5(5) of Right to Information Act as you are the custodian of the information.

You are again requested to please provide the information within Immediacy days failing which you are responsible for any action or penal action imposed by the First appellate Authority or the Central Information Commission.

[Signature]  
Accounts Officer/CPIO

To

① AR, Excise, CESTAT, New Delhi

Copy to:- Sh. R.K. Jain  
1512-B, Bhisham Pitamah Marg,  
Wazirpur Nagar, New Delhi  
Pin No - 110003.

V-15889

**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.10-67(A)/CESTAT/FAA-SKM/2015**  
**CPIO ID NO.10-120/CESTAT/CPIO-RP/2015**

Shri R.K. Jain

...Appellant

Vs.

Shri S.K.Verma, Assistant Registrar/CPIO

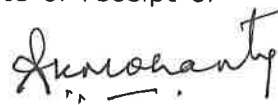
...Respondent

Date of Hearing: 13.10.2015

**ORDER** No 60/2015

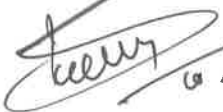
Vide RTI application dated 17.07.2015, the appellant sought to inspect various records/documents, which were not granted by the concerned officials, for which the present appeal has been filed by the appellant. The prayer of the appellant in this appeal is that since the request for inspection of records has not been acceded to, necessary orders be passed, directing the CPIO to furnish the desired documents/information in context with the said RTI application within a specific time period.

Considering the above, I am of the view that information can be furnished and accordingly, the CPIO is directed to comply with the requirement within a period of two weeks from the date of receipt of this order.

  
**(S.K. MOHANTY)**  
**APPELLATE AUTHORITY**

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (9320/15) /Appeal/ 15944 dated 27.08.2015.
2. Shri S.K.Verma, Assistant Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy

  
20/10/15

  
20/10/15

**ISSUED ON**  
SIGN. (DESPATCH SECTION)  
CUSTOMS, EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI  
20/10/15

Appeal No. 10-66(A)/2015

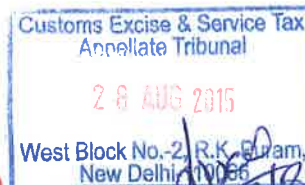
FD 10-121/15

①

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

Ref. No. : RTI/P-537/(9321/15)/Appeal/15943

Dated : 27-08-2015



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

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	17-07-2015	
3.	Details of the order appealed against	Deemed Refusal	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	17-9-2015	
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 17-7-2015.(Annexure-1) 2. Copy of CPIO's letter dated 24-7-2015.(Annexure-2) 3. Copy of Appellant's letter dated 31-7-2015 to AR(Excise).(Annexure-3) 4. Copy of CPIO's letter dated 21-8-2015.(Annexure-4)	

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 17-07-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
  - (A) *Please provide inspection of case records of the following files*
    - (i) *E/847/2012-EX-DB - Sachin Gupta*
    - (ii) *E/57620-33/2013-EX-DB - Insecticides India Ltd.*
    - (iii) *E/59826/2013-EX-DB - Nikita Meta Chem. Pvt. Ltd.*
    - (iv) *E/3980, 4167/2012, 55095-55102, 55247/2013-EX-DB - R. Ess Iron & Steel & Others*
    - (v) *E/59198/2013-EX-DB - Sakumbari Sugar*
    - (vi) *E/57810/2013-EX-DB - Autovision India Ltd.*
    - (vii) *E/59855/2013-EX-DB - Eveready Industries India Ltd.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the appellant received letter dated 24-7-2015 (**Annexure-2**) of CPIO to AR (Excise). The Appellant vide letter dated 31-7-2015 (**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.

### 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

- (3) That the inaction of CPIO & Deemed CPIO is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

#### **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 : 27-08-2015

o/c

ANNEXURE-1  
(9)

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

Ref. No. :RTI/P-195/9321/15

Dated : 17-7-2015

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 inspection of case records of the following files (i) E/847/2012-EX-DB - Sachin Gupta (ii) E/57620-33/2013-EX-DB - Insecticides India Ltd. (iii) E/59826/2013-EX-DB - Nikita Meta Chem. Pvt. Ltd. (iv) E/3980, 4167/2012, 55095-55102, 55247/2013-EX-DB - R. Ess Iron & Steel & Others (v) E/59198/2013-EX-DB - Sakumbari Sugar (vi) E/57810/2013-EX-DB - Autovision India Ltd. (vii) E/59855/2013-EX-DB - Eveready Industries India Ltd.
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. 26F 027481 for Rs.10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	

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

Place : New Delhi  
Encl. : as above

F.No...10721...../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 24/7/15

ID No. 10721/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9321/15 dated  
17/7/15 (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. 9321/15 dated 17/7/15 CPIO ID No 10721/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 5/8/15 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 Bn., CESTAT, New Delhi,

2. \_\_\_\_\_

3. \_\_\_\_\_

4. ITC, Computer Rm for uploading on website

✓ Copy for information to:-

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

o/c

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

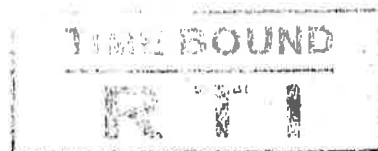
President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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



ANNEXURE-3

Customs Excise & Service Tax Appellate Tribunal  
03 AUG 2015  
West Block NO.-2, R.K. Puram,  
New Delhi-110066

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

RTI/P-195/9321/15/R15933  
31-07-2015

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

Sub: My RTI Application No. RTI/9321/15, dated 17/7/2015

Dear Sir,

This refers to the letter F. No. 10-121/CESTAT/CPIO-ND/RP/2015 dated 27.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

~~RECEIVED~~  
ANNEXURE-4  
7

F.No.10-121.../CESTAT/CPIO-ND/RP/2015  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 21-08-2015

ID No. 10-121/2015

Subject : Information sought under RTI Act.

Please refer to RTI application No. 9321/15 dated 17-07-2015 of Shri R.K. Sain CPIO ID 10-121/15 the requisite information was called for from you, the same have not been provided by you till dated despite of letter/reminder dated 24-7-15 issued to you as deemed CPIO under section 6(3) and section 5(4) read with section 5(5) of Right to Information Act as you are the custodian of the information.

You are again requested to please provide the information immediately within        days failing which you are responsible for any action or penal action imposed by the First appellate Authority or the Central Information Commission.

hpd  
Accounts Officer/CPIO

To  
CD AR, Excise, CESTAT, New Delhi  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V-15890

Quintal

**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.10-66(A)/CESTAT/FAA-SKM/2015**  
**CPIO ID NO.10-121/CESTAT/CPIO-RP/2015**

Shri R.K. Jain

...Appellant

Vs.

Shri S.K.Verma, Assistant Registrar/CPIO

...Respondent

Date of Hearing/Decision: 13.10.2015

**ORDER** No. 59/2015

Vide RTI application dated 17.07.2015, the appellant sought for inspection of various records/documents, which were denied by the concerned officials. As a result, the appellant has filed the appeal before this forum. During the course of hearing, the appellant placed on record the letter dated 17.09.2015 addressed to the Asst. Registrar (Excise), specifically mentioning therein the documents/ information required by him. The copy of the said letter was also endorsed to the CPIO.

Considering the fact that the appellant requires the documents, which are not prohibited for supply under the statute, I am of the view that the same can be furnished and accordingly, the CPIO is directed to comply with the requirement within a period of two weeks from the date of receipt of this order.

  
**(S.K. MOHANTY)**  
**APPELLATE AUTHORITY**

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (9321/15) /Appeal/ 15943 dated 27.08.2015.
2. Shri S.K.Verma, Assistant Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy

ISSUED ON  
SIGN. (DESPATCH SECTION)  
CUSTOMS, EXCISE & SERVICE TAX  
Tribunal  
13/10/2015

Appeal No. 10-65(A)/2015

①

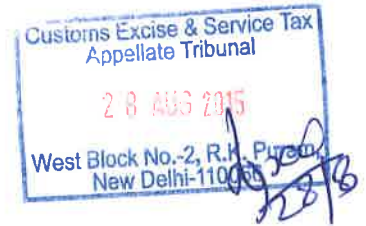
**First Appeal under Section 19 of the Right to Information Act, 2005  
against Deemed Refusal**

Ref. No. : RTI/P-537/(9316/15)/Appeal/15939

Dated : 27-08-2015

To

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



**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	16-07-2015
3.	Details of the order appealed against	Deemed Refusal
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	16-9-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 16-7-2015.(Annexure-1) 2. Copy of CPIO's letter dated 24-7-2015.(Annexure-2) 3. Copy of Appellant's letter dated 31-7-2015 to AR (Excise).(Annexure-3) 4. Copy of Appellant's letter dated 31-7-2015 to AR(SM) (Annexure-4) 5. Copy of CPIO's letter dated 21-8-2015.(Annexure-5)

2

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 16-07-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

*(A) Please provide inspection of case records of the following files*

*(i) E/59073-76/13 (Ultimate Flexipack Ltd.)*

*(ii) E/55979/13 (PG Electroplast Ltd.)*

*(iii) E/1665/06 (SAIL)*

*(iv) E/213-15/09 (Hero Motors)*

*(v) E/56230/13 (Sheela Plastics)*

*(vi) E/59691/13 (J.K. Tubes)*

*(vii) E/59401/13 (Bathinda Industrial Gases)*

*(viii) E/58252-55/13 (Shri Ganesh Plywood)*

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

- (3) That Shri Rajender Prasad, CPIO & other Deemed CPIOs has deliberately and malafidely not provided any information as sought by the appellant. 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.

### GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.



- (3) That the appellant received letter dated 24-7-2015 (**Annexure-2**) of CPIO,CESTAT to AR ( Excise) & AR(SM). The Appellant vide letters dated 31-7-2015 (**Annexure-3 & 4**) requested the said authorities to provide the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005. Therefore, the CPIO & Deemed CPIOs may be directed to provide point-wise information to the appellant within time bound frame.
- (4) That the inaction of Shri Rajender Prasad, CPIO and other Deemed CPIOs is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (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 : 27-08-2015

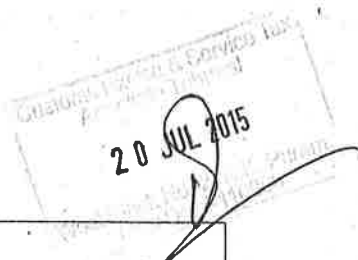
Application under Section 6 of the Right to Information Act, 2005

Ref. No. : RTI/P-195/9316/15

Dated : 16-7-2015

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 inspection of case records of the following files (i) E/59073-76/13 (Ultimate Flexipack Ltd.) (ii) E/55979/13 (PG Electroplast Ltd.) (iii) E/1665/06 (SAIL) (iv) E/213-15/09 (Hero Motors) (v) E/56230/13 (Sheela Plastics) (vi) F/59691/13 (J.K.Tubes) (vii) E/59401/13 (Bathinda Industrial Gases) (viii) E/58252-55/13 (Shri Ganesh Plywood)
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 26F 027495 for Rs.10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	

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

Place : New Delhi

Encl. : as above

Hira/-----9316  
8511

F.No. 10-116...../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 24/7/15

ID No. 10-116/2015


Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9316/2015 dated  
16/7/15 (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. 9316/15 dated 16/7/15 CPIO ID No 10-116/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 8/8/15 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, Encl, CESTAT, New Del
- 2 AR, SM, CESTAT, New Del,
- 3 \_\_\_\_\_
- 4 AR/To, Computer Del for uploading on website

Copy for information to:-

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

o/c

7

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

Customs Excise & Service Tax  
Appellate Tribunal

03 AUG 2015

West Block No. 2, Bhishm Pitamah Marg,  
New Delhi - 110 003

Wazir Nagar,  
NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9316/15/R15940

31-07-2015

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

Sub: My RTI Application No. RTI/9316/15, dated 16/7/2015

Dear Sir,

This refers to the letter F. No. 10-116/CESTAT/CPIO-ND/RP/2015 dated 24.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

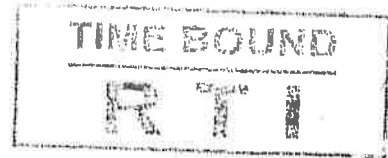
Thanking you,

Yours faithfully,



[R.K. Jain]

o/c



ANNEXURE-4

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

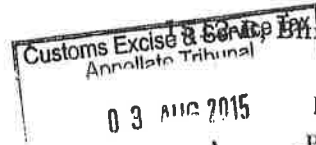
President, Excise and Customs Bar Association

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



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

RTI/P-195/9316/15/R15941  
31-07-2015

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

Sub: My RTI Application No. RTI/9316/15, dated 16/7/2015

Dear Sir,

This refers to the letter F. No. 10-116/CESTAT/CPIO-ND/RP/2015 dated 24.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

ANNEXURE- 5

F.No. 10-116/CESTAT/CPIO-ND/RP/2015  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 21-08-2015

ID No. 10-116/2015

Subject : Information sought under RTI Act.

Please refer to RTI application No. 9316/15 dated 16-07-2015 of Shri R.K. Jain CPIO ID 10-116/15 the requisite information was called for from you, the same have not been provided by you till dated despite of letter/reminder dated 24-7-15 Issued to you as deemed CPIO under section 6(3) and section 5(4) read with section 5(5) of Right to Information Act as you are the custodian of the information.

You are again requested to please provide the information immediately within 7 days failing which you are responsible for any action or penal action imposed by the First appellate Authority or the Central Information Commission.

Accounts Officer/CPIO

To ① AR, Excise, CESTAT, New Delhi

V- 15885

Quintus

**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.10-65 (A)/CESTAT/FAA-SKM/2015  
CPIO ID NO.10-116/CESTAT/CPIO-RP/2015

Shri R.K. Jain

...Appellant

Vs.

Shri S.K.Verma, Assistant Registrar/CPIO

...Respondent

Date of Hearing: 13.10.2015

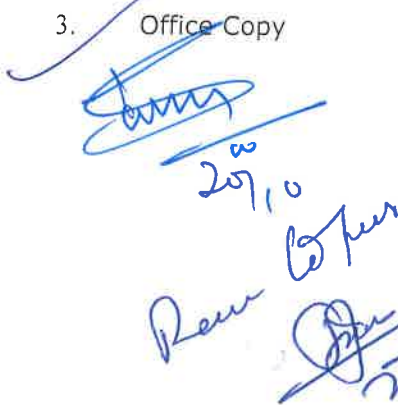
**ORDER** 58/2015

Grievance of the appellant in this appeal is that the information sought for vide RTI Application dated 16.07.2015 have not been furnished either by the CPIO or the deemed CPIO. Considering the fact that furnishing of such information are not prohibited in the RTI statute, I direct the CPIO to furnish the information to the appellant within a period of two weeks from the date of receipt of this order. The concerned officials are directed to comply with this order strictly.

  
**(S.K. MOHANTY)**  
**APPELLATE AUTHORITY**

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (9316/15) /Appeal/ 15939 dated 27.08.2015.
2. Shri S.K.Verma, Assistant Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy

  
**ISSUED ON**  
SIGN. (DESPATCH SECTION)  
CUSTOMS, EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI



Appeal No. 64(A)/2015

1

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

Ref. No. : RTI/P-537/(9317/15)/Appeal/15940

Dated : 27-08-2015

To

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



**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	16-07-2015
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	16-9-2015
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 16-7-2015.(Annexure-1) 2. Copy of CPIO's letter dated 24-7-2015.(Annexure-2) 3. Copy of Appellant's letter dated 31-7-2015 to AR(SM).(Annexure-3)

2

		4. Copy of Appellant's letter dated 31-7-2015 to AR(Excise). <b>(Annexure-4)</b> 5. Copy of CPIO's letter dated 21-8-2015. <b>(Annexure-5)</b>
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 16-07-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide inspection of case records of the following files*
- (i) *E/58509/2013 (HMM Coaches)*
  - (ii) *E/58527/2013 (Kurlon Ltd.)*
  - (iii) *E/59254-56/2013 (Hindustan Zinc Ltd.)*
  - (iv) *E/59513/2013 (Hand Castle Petrofer Pvt. Ltd.)*
  - (v) *E/59569/2013 (Indian Heart Research & Supply Co. Ltd.)*
  - (vi) *E/59984/2013 (Kay Pan Sugandh Pvt. Ltd.)*
  - (vii) *E/58980/2013 (Mohit Petro Chemicals)*
  - (viii) *E/58913/2013 (Simbhaoli Sugar Ltd.)*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the appellant received letter dated 24-7-2015 (**Annexure-2**) of CPIO to AR(SM) & AR(Excise). The Appellant vide letters dated 31-7-2015 (**Annexure-3 & 4**) requested the said authorities to provide the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

### GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of CPIO & Deemed CPIOs is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

### 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 : 27-08-2015

o/c

(3)

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

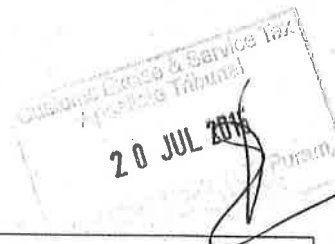
**ANNEXURE-- I**

Ref. No. : RTI/P-195/9317/15

Dated : 16-7-2015

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 inspection of case records of the following files (i) E/58509/2013 (HMM Coaches) (ii) E/58527/2013 (Kurlon Ltd.) (iii) E/59254-56/2013 (Hindustan Zinc Ltd.) (iv) E/59513/2013 (Hand Castle Petrofer Pvt. Ltd.) (v) E/59569/2013 (Indian Heart Research & Supply Co. Ltd.) (vi) E/59984/2013 (Kay Pan Sugandh Pvt. Ltd.) (vii) E/58980/2013 (Mohit Petro Chemicals) (viii) E/58913/2013 (Simbhaoli Sugar Ltd.)
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 26F 027496 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	

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

Place : New Delhi

Encl. : as above

Hira/---9317

ANNEXURE- 2

(6)

F.No...10117...../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 24/7/15

ID No. 10117/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 937/15 dated  
16/7/15 (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. 937/15 dated 16/7/15 CPIO ID No 10117/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 10/8/2015 directly to the applicant and intimate the  
undersigned within the stipulated time, failing which you are  
personally responsible for delay and penalty if any, under section 20 of  
RTI Act. You are, further requested to follow OM No.12/31/2013-IR  
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

Rajendra Prasad  
(Rajendra Prasad)  
Accounts Officer/CPIO

To

1. AR, SM, CESTAT, New Delhi

2. AR, Excise, CESTAT, New Delhi

3. AR, IT, Computer Rec for uploading on website

Copy for information to:-

Sh. R.K. Jain  
1519-B BHISHAM PITAMAH MARG  
NAGAR, New Delhi - 110003.

V-15369

Recd Me

7C

⑦

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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



Customs Excise & Service Tax  
Appellate Tribunal

03 AUG 2015

1512-B, Bhishm Pitamah Marg,  
West Block 2, Wazir Nagar,  
New Delhi-110068

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9317/15/R15938

31-07-2015

AR, SM

Customs Excise & Service Tax Appellate Tribunal,

West Block 2,

R.K.Puram,

New Delhi - 110066

Sub: My RTI Application No. RTI/9317/15, dated 16/7/2015

Dear Sir,

This refers to the letter F. No. 10-117/CESTAT/CPIO-ND/RP/2015 dated 24.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

o/c

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

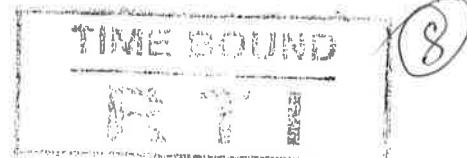
President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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



ANNEXURE-4

1512-B, Bhishm Pitamah Marg,  
Wazir Nagar,

Customs Excise & Service Tax  
Appellate Tribunal

NEW DELHI - 110 003.

03 AUG 2015

PHONE : 24693001-3004

MOBILE : 9810077977

West

New Delhi

Fax No. 011-24635243

RTI/P-195/9317/15/R15939  
31-07-2015

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


Sub: My RTI Application No. RTI/9317/15, dated 16/7/2015

Dear Sir,

This refers to the letter F. No. 10-117/CESTAT/CPIO-ND/RP/2015 dated 24.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

  
[R.K. Jain]



~~REMOVED~~  
ANNEXURE-5

F.No. 10-117/CESTAT/CPIO-ND/RP/2015  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 21-08-2015

ID No. 10-117/2015

Subject : Information sought under RTI Act.

Please refer to RTI application No. 9317/15 dated 16-07-2015 of Shri R.V. Sain CPIO ID 10-117/15 the requisite information was called for from you, the same have not been provided by you till dated despite of letter/reminder dated 24-07-15 issued to you as deemed CPIO under section 6(3) and section 5(4) read with section 5(5) of Right to Information Act as you are the custodian of the information.

You are again requested to please provide the information within Immediately days failing which you are responsible for any action or penal action imposed by the First appellate Authority or the Central Information Commission.

[Signature]  
Accounts Officer/CPIO

To

① AR, Excise, CESTAT, New Delhi  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V-15886

Printed Note

**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.10-64 (A)/CESTAT/FAA-SKM/2015**  
**CPIO ID NO.10-117/CESTAT/CPIO-RP/2015**

Shri R.K. Jain

...Appellant

Vs.

Shri S.K.Verma, Assistant Registrar/CPIO

...Respondent

Date of Hearing: 13.10.2015

**ORDER** No 57/2015

Grievance of the appellant in this appeal is that the information sought for vide RTI Application dated 16.07.2015 have not been furnished either by the CPIO or the deemed CPIO. Considering the fact that furnishing of such information are not prohibited in the RTI statute, I direct the CPIO to furnish the information to the appellant within a period of two weeks from the date of receipt of this order. The concerned officials are directed to comply with this order strictly.

  
**(S.K. MOHANTY)**  
**APPELLATE AUTHORITY**

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (9317/15) /Appeal/ 15940 dated 27.08.2015.
2. Shri S.K.Verma, Assistant Registrar/ CPIO, CESTAT, New Delhi.

3. Office Copy.

ISSUED ON 20/10/15  
DESIGN (DESPATCH SECTION)  
CUSTOMS, EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI

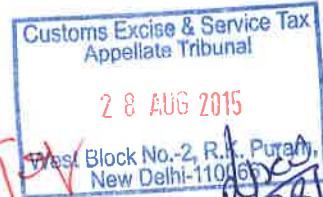
Recd Copy  
20/10/15

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

Ref. No. : RTI/P-537/(9318/15)/Appeal/15941

Dated : 27-08-2015

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



**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	17-07-2015
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	17-9-2015
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 17-7-2015.(Annexure-1) 2. Copy of CPIO's letter dated 24-7-2015.(Annexure-2) 3. Copy of Appellant's reminder letter dated 31-7-2015 to AR(Excise). (Annexure-3) 4. Copy of CPIO's letter dated 21-8-2015.(Annexure-4)

2

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 17-07-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
  - (A) *Please provide inspection of case records of the following files.*
    - (i) *E/514/2008-EX-DB - Shaw Wallace & Co. Ltd.*
    - (ii) *E/56450/2013-EX-DB - Airan Steel & Power Pvt. Ltd.*
    - (iii) *E/59779/2013-EX-DB - Shree Flavours Ltd.*
    - (iv) *E/57080, 57093, 57226-57229, 58049-58050, 58861, 59598/2013-EX-DB - Golden Tobacco Ltd.*
    - (v) *E/60426/2013-EX-DB - Ganges International Pvt. Ltd.*
    - (vi) *E/56321/2013-EX-DB - Skyway Steel Industries*
    - (vii) *E/51580/2013-EX-DB - Mahamaya Steel Industries*
    - (viii) *E/50241/2014-EX-DB- Bharat Aluminium Co. Ltd.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the appellant received letter dated 24-7-2015 (**Annexure-2**) of CPIO to AR (Excise). The Appellant vide letter dated 31-7-2015 (**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.

### GROUND OF APPEAL

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

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

- (3) That the inaction of CPIO & Deemed CPIO is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

#### **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

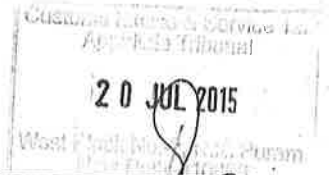
Place : New Delhi  
Dated : 27-08-2015

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

Ref. No. : RTI/P-195/9318/15

Dated : 17-7-2015

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 inspection of case records of the following files. (i) E/514/2008-EX-DB - Shaw Wallace & Co. Ltd. (ii) E/56450/2013-EX-DB - Airan Steel & Power Pvt. Ltd. (iii) E/59779/2013-EX-DB - Shree Flavours Ltd. (iv) E/57080, 57093, 57226-57229, 58049-58050, 58861, 59598/2013-EX-DB - Golden Tobacco Ltd. (v) E/60426/2013-EX-DB - Ganges International Pvt. Ltd. (vi) E/56321/2013-EX-DB - Skyway Steel Industries (vii) E/51580/2013-EX-DB - Mahamaya Steel Industries (viii) E/50241/2014-EX-DB- Bharat Aluminium Co. Ltd.
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. 26F 027497 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

(6)

F.No. 10-118...../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 24/7/15ID No. 10-118/2015

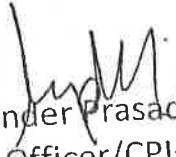
Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9318/2015 dated  
17/7/15 (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. 9318/15 dated 17/7/15 CPIO ID No 10-118/2015 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 5/8/15 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. Mr. Excise Pm, CESTAT, N. Delhi

2. \_\_\_\_\_

3. \_\_\_\_\_

4. Mr. To, Computer Rm for uploading on website

Copy for information to:-

Sh. R.K. Jain,

1512-B BHISHAM PITAMAH MARG,

CHAGAR, New Delhi - 110003.

N-15368

Encl. M.L.



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-195/9318/15/R15932  
31-07-2015

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

**Sub: My RTI Application No. RTI/9318/15, dated 17/7/2015**

Dear Sir,

This refers to the letter F. No. 10-118/CESTAT/CPIO-ND/RP/2015 dated 24.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

ANNEXURE-4

F.No. 10-118/CESTAT/CPIO-ND/RP/2015  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 21-08-2015

ID No. 10-118/2015

Subject : Information sought under RTI Act.

Please refer to RTI application No. 9318/15 dated 17-07-15 of Shri R.K. Sain CPIO ID 10-118/15 the requisite information was called for from you, the same have not been provided by you till dated despite of letter/reminder dated 24-7-15 issued to you as deemed CPIO under section 6(3) and section 5(4) read with section 5(5) of Right to Information Act as you are the custodian of the information.

You are again requested to please provide the information within Immediatly days failing which you are responsible for any action or penal action imposed by the First appellate Authority or the Central Information Commission.

Accounts Officer/CPIO

To

① AR, Excise, CESTAT, New Delhi

V-15887

Conf. File

**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.10-63 (A)/CESTAT/FAA-SKM/2015  
CPIO ID NO.10-118/CESTAT/CPIO-RP/2015

Shri R.K. Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing/Decision: 22.09.2015

**ORDER** No 55/2015

The grievance of the appellant in this appeal is that the information sought for vide RTI application dated 20.07.2015 have not been furnished by the CPIO. Pursuant to the appeal filed by the appellant, the CPIO submits that immediately after receipt of the application, the same was forwarded under the cover of letter dated 24.07.2015, followed with reminders dated 21.08.2015, 31.08.2015 and 16.09.2015 for necessary compliance to the Assistant Registrar (Excise), who is also the deemed CPIO. According to the CPIO, the information sought for have so far not been received from the concerned officials.

2. In view of above, I direct the CPIO to collect the Information from the concerned officials and to forward the same to the appellant within a period of three weeks from the date of

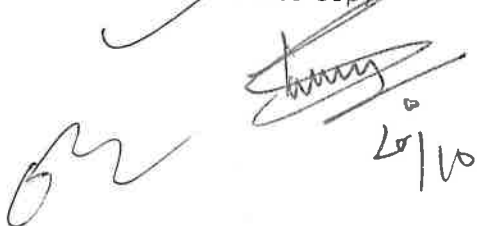


receipt of this order. All concerned are directed to comply with this order strictly.

  
(S.K. MOHANTY)  
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (9318/15) /Appeal/ 15941 dated 27.08.2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.
3. Office Copy

  
20/10

ISSUED ON

  
SIGN. (DESPATCH SECTION)  
CUSTOMS, EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI-110069

Appeal No. 10-62(A)/2015

1

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

Ref. No. : RTI/P-537/(9376/15)/Appeal/15964

Dated : 07-09-2015

To

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

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K. Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	24-07-2015	
3.	Details of the order appealed against	Deemed Refusal	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	24-9-2015	
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 24-7-2015. <b>(Annexure-1)</b> 2. Copy of CPIO's letter dated 30-7-2015. <b>(Annexure-2)</b> 3. Copy of Appellant's letter dated 31-7-2015. <b>(Annexure-3)</b>	

### BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 24-07-2015 (**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) E/60234/2013-EX-DB - Minda Fumkama Electric Pvt. Ltd. (ii) E/60200-60203/2013-EX-DB - Chirag Electronics & Others (iii) E/50449, 50452, 50454-50455/2014-EX-DB - R.B. Steel Services & Others (iv) E/50472/2014-EX-DB - R.G. Ford Products (v) E/50637/2014-EX-DB - Prism Cement (vi) E/60684/2013-EX-DB - Met-Trade India (vii) E/60673/2013-EX-DB - C.P. Engg.*

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

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

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

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

(v) *Copies of relevant After Court Cause Lists*

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

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

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

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

(3) That the appellant received letter dated 30-7-2015 (**Annexure-2**) of CPIO to AR (Excise). The Appellant vide letter dated 31-7-2015 (**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.

### **GROUND OF APPEAL**

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of CPIO is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.

- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

**PRAYER**

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi  
Dated : 07-09-2015



ANNEAURE-1 ⑤

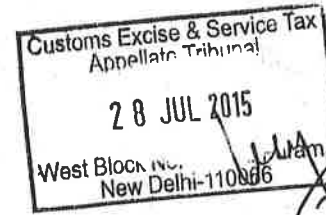
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9376/15

Dated : 24-7-2015

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 Appeal Nos. (i) E/60234/2013-EX-DB - Minda Fumkama Electric Pvt. Ltd. (ii) E/60200-60203/2013-EX-DB - Chirag Electronics & Others (iii) E/50449, 50452, 50454-50455/2014-EX-DB - R.B.Steel Services & Others (iv) E/50472/2014-EX-DB - R.G. Ford Products (v) E/50637/2014-EX-DB - Prism Cement (vi) E/60684/2013-EX-DB - Met-Trade India (vii) E/60673/2013-EX-DB - C.P. Engg. (i) Copies of all Order Sheets/Record of Proceedings. (ii) Copies of all the notes put up by the registry with orders thereon. (iii) Copies of any order/directions for out of turn listing of the matter (iv) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon. (v) Copies of relevant After Court Cause Lists (vi) Copies of all notice of hearing issued to parties. (vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.

	(B) Please provide list of files from which the information as sought above is provided by you. <b>Note:-Please provide point-wise information/ response for each of above points.</b>
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 026826 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.



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

Place : New Delhi

Encl. : as above

Hire/9376

F.No...10-127.../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/7/15

ID No. 10-127/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R. K. Jain  
Under RTI Act 2005 vide No. 9376/15 dated  
24.7.15 (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. 9376/15 dated 24.7.15 CPIO ID No 10-127/15 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 14/8/2015 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013

Encl: as above

Rajender Prasad  
(Rajender Prasad)  
Accounts Officer/CPIO

To

1 AO EXCISE CESTAT N. Delhi

2

3

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

Copy for information to:-

Sh. R. K. Jain,  
1519-B BHISHAM PITAMAH MARG,  
INDIA PRADESH, NEW DELHI - 110003.

N 15311  
2nd Rd

ANNEXURE-3

o/c



(8)

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

Central Excise Law Guide; Central Excise Tariff of India;  
Central Excise Law Manual; Customs Tariff of India;  
Customs Law Manual; Excise & Customs Circulars  
& Clarifications; Excise & Customs Case 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

03 AUG 2015

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

Prishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 04693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9376/15/R15930

31-07-2015

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

**Sub: My RTI Application No. RTI/9376/15, dated 24/7/2015**

Dear Sir,

This refers to the letter F. No. 10-127/CESTAT/CPIO-ND/RP/2015 dated 30.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

**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.10-62 (A)/CESTAT/FAA-SKM/2015  
CPIO ID NO.10-127/CESTAT/CPIO-RP/2015

Shri R.K. Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing: 22.09.2015

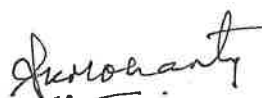
**ORDER** No 54/2015

The grievance of the appellant in this appeal is that the information sought for vide RTI application dated 24.07.2015 have not been furnished by the CPIO. Pursuant to the appeal filed by the appellant, the CPIO submits that immediately after receipt of the application, the same was forwarded under the cover of letter dated 30.07.2015, followed with reminders dated 31.08.2015 and 16.09.2015 for necessary compliance to the Assistant Registrar (Excise), who is also the deemed CPIO. According to the CPIO, the information sought for have so far not been received from the concerned officials.

2. In view of above, I direct the CPIO to collect the Information from the concerned officials and to forward the same to the appellant within a period of three weeks from the date of


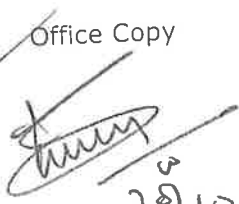
SKH

receipt of this order. All concerned are directed to comply with this order strictly.

  
(S.K. MOHANTY)  
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (9376/15) /Appeal/15964 dated 07.09.2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.
3. Office Copy

  
  
29/10

ISSUED ON

  
SIGN. (DESPATCH SECTION)  
CUSTOMS, EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI-110068

Appeal No. 10-61(A)/2015

①

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

Ref. No. : RTI/P-537/(9377/15)/Appeal/15965

Dated : 07-09-2015

To

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

Customs Excise & Service Tax  
Appellate Tribunal

08 SEP 2015

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K. Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	24-07-2015
3.	Details of the order appealed against	Deemed Refusal
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	24-9-2015
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 24-7-2015. <b>(Annexure-1)</b> 2. Copy of CPIO's letter dated 30-7-2015. <b>(Annexure-2)</b> 3. Copy of Appellant's letter dated 31-7-2015. <b>(Annexure-3)</b>

54/KTI/SCM/10  
9/9/15

### BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 24-07-2015 (**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) E/411-412/2006-EX-DB -R.K.Polytubes (ii) E/600-601, 614, 715-716, 849, 864, 867 - Vardhaman Sales Agency & Others (iii) E/902-905/2005-EX-DB - Chandrawati Polymers (iv) E/1343/2005-EX-DB - Arora Knit Fabrics Pvt. Ltd. (v) E/1338-1342/2006-EX-DB - Venus Sugars & Ors (vi) E/600-601, 614, 715-716, 849, 864, 867, 907-909, 951, 973, 1717-1721, 1918-1920, 2053/2012-EX-DB - Vardhaman Sales Agency & Others (vii) E/1189-1191/2011-EX-DB - Shiv Shakti Earth Movers & Others

- (i) Copies of all Order Sheets/Record of Proceedings.
- (ii) Copies of all the notes put up by the registry with orders thereon.
- (iii) Copies of any order/directions for out of turn listing of the matter
- (iv) Details of the date on which the aforesaid mater was mentioned.  
Please also provide copies of the mention memo and directions thereon.
- (v) Copies of relevant After Court Cause Lists
- (vi) Copies of all notice of hearing issued to parties.
- (vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.

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

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

(3) That the appellant received letter dated 30-7-2015 (**Annexure-2**) of CPIO to AR (Excise). The Appellant vide letter dated 31-7-2015 (**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.

#### **GROUND OF APPEAL**

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of CPIO is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.

4

- (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 : 07-09-2015

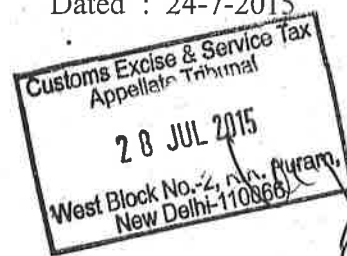
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9377/15

Dated : 24-7-2015


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) E/411-412/2006-EX-DB -R.K.Polytubes (ii) E/600-601, 614, 715-716, 849, 864, 867 - Vardhaman Sales Agency &amp; Others (iii) E/902-905/2005-EX-DB - Chandrawati Polymers (iv) E/1343/2005-EX-DB - Arora Knit Fabrics Pvt. Ltd. (v) E/1338-1342/2006-EX-DB - Venus Sugars &amp; Ors (vi) E/600-601, 614, 715-716, 849, 864, 867, 907-909, 951, 973, 1717-1721, 1918-1920, 2053/2012-EX-DB - Vardhaman Sales Agency &amp; Others (vii) E/1189-1191/2011-EX-DB - Shiv Shakti Earth Movers &amp; Others</p> <p>(i) Copies of all Order Sheets/Record of Proceedings.</p> <p>(ii) Copies of all the notes put up by the registry with orders thereon.</p> <p>(iii) Copies of any order/directions for out of turn listing of the matter</p> <p>(iv) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.</p> <p>(v) Copies of relevant After Court Cause Lists</p> <p>(vi) Copies of all notice of hearing issued to parties.</p>

		(vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama. (B) Please provide list of files from which the information as sought above is provided by you. <b>Note:-Please provide point-wise information/response for each of above points.</b>
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 026827 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/---9377

ANNEXURE-2

F.No. 10-128/...../CESTAT/CPIO-ND/RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/7/15

ID No. 10-128/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9377/15 dated  
24.7.15 (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. 9377/15 dated 24.7.15 CPIO ID No 10-128/15 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 14/8/2015 directly to the applicant and intimate the  
undersigned within the stipulated time, failing which you are  
personally responsible for delay and penalty if any, under section 20 of  
RTI Act. You are, further requested to follow OM No.12/31/2013-IR  
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

Rajender Prasad  
(Rajender Prasad)  
Accounts Officer/CPIO

To

1. MR. RAJENDRA CESTAT New Delhi.

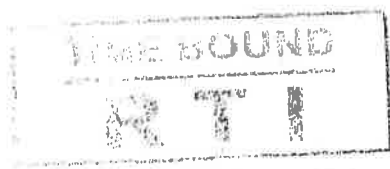
2. \_\_\_\_\_

3. \_\_\_\_\_  
4. Mr. T. C. Computer P.O. for uploading on website

Copy for information to:-

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

o/c



9

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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

Customs Excise & Service Tax Appellate Tribunal, Bhishm Pitamah Marg,  
Wazir Nagar,

03 AUG 2015

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9377/15/R15931

31-07-2015

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

Sub: My RTI Application No. RTI/9377/15, dated 24/7/2015

Dear Sir,

This refers to the letter F. No. 10-128/CESTAT/CPIO-ND/RP/2015 dated 30.07.2015 of Mr. Rajender Prasad, Accounts Officer/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

**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.10-61(A)/CESTAT/FAA-SKM/2015**  
**CPIO ID NO.10-128/CESTAT/CPIO-RP/2015**

Shri R.K. Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing: 22.09.2015

**ORDER** No 53/2015

The grievance of the appellant in this appeal is that the information sought for vide RTI application dated 24.07.2015 have not been furnished by the CPIO. Pursuant to the appeal filed by the appellant, the CPIO submits that immediately after receipt of the application, the same was forwarded under the cover of letter dated 30.07.2015, followed with reminder dated 31.08.2015 and 16.09.2015 for necessary compliance to the Assistant Registrar (Excise), who is also the deemed CPIO. According to the CPIO, the information sought for have so far not been received from the concerned officials.

2. In view of above, I direct the CPIO for collection of information from the concerned officials and to forward the same to the appellant within a period of three weeks from the

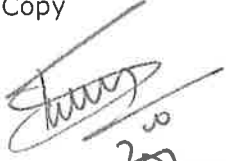
SKM .

date of receipt of the order. All concerned are directed to comply with this order strictly.


  
(S.K. MOHANTY)  
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (9377/15) /Appeal/ 15965 dated 07.09.2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.
3. Office Copy

  
20/10



ISSUED ON  
  
SIGN. (DEPUTY DIRECTOR)  
CUSTOMS, EXCISE & SERVICE  
APPELLATE TRIBUNAL  
NEW DELHI-110066