

Appeal No. 10-60(A)/2015

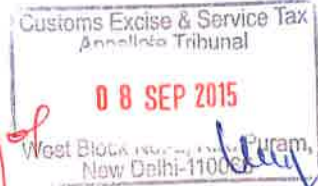
**First Appeal under Section 19 of the Right to Information Act, 2005
against Deemed Refusal**

Ref. No. : RTI/P-537/(9374/15)/Appeal/15962

Dated : 05-09-2015

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.(Annexure-1) 2. Copy of CPIO's letter ID No.10-129/15 dated 30-7-2015.(Annexure-2) 3. Copy of Appellant's reminder letter dated 31-7-2015.(Annexure-3)	

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/56864, 57077-57079, 57081, 57093, 57230, 58051-58052, 58860, 59597/2013, 52061/2014-EX-DB - I.P. Shonewala Golden Tobacco (ii) E/57032, 57245-57246, 58278, 57697, 58143, 59043-/2013-EX-DB - R.K. Cigarettes & Others (iii) E/60432-60433/2013-EX-DB - Tirupati Structural (iv) E/60441, 60449/2013-EX-DB - Ajay Kumar Singla (v) E/60446-60448/2013-EX-DB - Ankur Fertilizers (vi) E/60487/2013-EX-DB - Hindustan Zinc (vii) E/60081/2013-EX-DB - Shree Shyam Filaments (viii) E/59988/2013-EX-DB - RGL Converters Ltd*

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

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

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

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

(v) *Copies of 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 & 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 : 05-09-2015

o/c

ANNEXURE - I

⑤

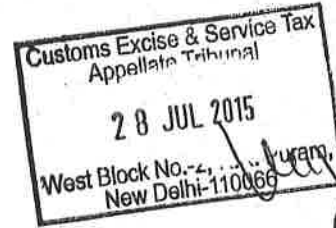
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9374/15

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/56864, 57077-57079, 57081, 57093, 57230, 58051-58052, 58860, 59597/2013, 52061/2014-EX-DB - I.P. Shonewala Golden Tobacco (ii) E/57032, 57245-57246, 58278, 57697, 58143, 59043-/2013-EX-DB - R.K. Cigarettes & Others (iii) E/60432-60433/2013-EX-DB - Tirupati Structural (iv) E/60441, 60449/2013-EX-DB - Ajay Kumar Singla (v) E/60446-60448/2013-EX-DB - Ankur Fertilizers (vi) E/60487/2013-EX-DB - Hindustan Zinc (vii) E/60081/2013-EX-DB - Shree Shyam Filaments (viii) E/59988/2013-EX-DB - RGL Converters Ltd (i) Copies of all Order Sheets/Record of Proceedings. (ii) Copies of all the notes put up by the registry with orders thereon. (iii) Copies of any order/directions for out of turn listing of the matter (iv) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.

		<p>(v) Copies of relevant After Court Cause Lists</p> <p>(vi) Copies of all notice of hearing issued to parties.</p> <p>(vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p> <p>(B) Please provide list of files from which the information as sought above is provided by you.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 26F 026443 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.	



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

Place : New Delhi

Encl. : as above

Hira/---9374
ASN

ANNEXURE-2

F.No. 10-129...../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. 10-129/15

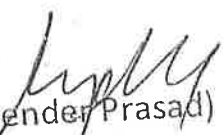
Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 9374/15 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. 9374/15 dated 24.7.15 CPIO ID No 10-129/15 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)
Accounts Officer/CPIO

To

1. DR Excise, CESTAT New Delhi

2. _____

3. _____
4. DR/To, Computer R/o for uploading on website

Copy for information to:-

Sh R.K. Jain,

1512-B BHISHAM PITAMAH MARG,

INDRAPRASTHA, NEW DELHI - 110003,

V-15373

2nd floor

o/c

RTI

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

ANNEXURE-3

West Block IV-2, New Delhi-110066

03 AUG 2015

Appellate Tribunal
Excise & Service Tax

Shri Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9374/15/R15928

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/9374/15, dated 24/7/2015

Dear Sir,

This refers to the letter F. No. 10-129/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.10-60 (A)/CESTAT/FAA-SKM/2015
CPIO ID NO.10-129/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 52/2015

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

Am

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/(9374/15) /Appeal/15962 dated 05.09.2015.
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-110068

Appeal no. 10-59(A)/2015

1

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

Ref. No. : RTI/P-537/(9375/15)/Appeal/15963

Dated : 07-09-2015

Customs Excise & Service Tax
Appellate Tribunal

08 SEP 2015

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

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. (Annexure-1) 2. Copy of CPIO's letter dated 30-7-2015. (Annexure-2) 3. Copy of Appellant's letter dated 31-7-2015. (Annexure-3)	

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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/60600/2013-EX-DB - Magnum Ventures Ltd. (ii) E/60618/2013-EX-DB - RGL Converters Ltd. (iii) E/58979/2013-EX-DB - UltraTech Cements Ltd. (iv) E/59749/2013-EX-DB - Barco Electronics (v) E/59696/2013-EX-DB - Uniworth Textiles (vi) E/59698/-EX-DB - Barmalt Malting India Pvt. Ltd. (vii) E/60396/2013, 1464-1465/2012, 55792/2013 -EX-DB - Shiva Texfab (viii) E/52870/2014-EX-DB - Bridgestone India*

(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

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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

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

Ref. No. :RTI/P-195/9375/15

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/60600/2013-EX-DB - Magnum Ventures Ltd. (ii) E/60618/2013-EX-DB - RGL Converters Ltd. (iii) E/58979/2013-EX-DB - UltraTech Cements Ltd. (iv) E/59749/2013-EX-DB - Barco Electronics (v) E/59696/2013-EX-DB - Uniworth Textiles (vi) E/59698/-EX-DB - Barmalt Malting India Pvt. Ltd. (vii) E/60396/2013, 1464-1465/2012, 55792/2013 -EX-DB - Shiva Texfab (viii) E/52870/2014-EX-DB - Bridgestone India (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. Note:-Please provide point-wise information/response for each of above points.
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005
6.	A Postal Order No. 32F 026825 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
Him/---9375

F.No...10-126.../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. 10-126/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 9375/15 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. 9375/15 dated 24.7.15 CPIO ID No 10-126/15 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)
Accounts Officer/CPIO

To

1. AR EXCISE CESTAT New Delhi

2. _____

3. _____

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

Copy for information to:-

Sh R.K. Jain,

1512-B BHISHAM PITAMAH MARG,

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

a/c

②

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

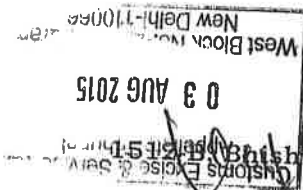
President, Excise and Customs Bar Association

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



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

RTI/P-195/9375/15/R15929
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/9375/15, dated 24/7/2015

Dear Sir,

This refers to the letter F. No. 10-126/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.10-59/CESTAT/FAA-SKM/2015
CPIO ID NO.10-126/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 51/2015

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 matter was forwarded under the cover of letter dated 30.07.2015, followed with reminders dated 31.08.2015 & 16.09.2015 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



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-537/9375/15) /Appeal/ 15963 dated 07.09.2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.
3. Office Copy



28/10

ISSUED ON
SIGN. (DESIGN SECTION)
CUSTOMS, EXCISE & SERVICE
APPELLATE TRIBUNAL
NEW DELHI-110003

Sys to FAA Appeal No. 10-57(A)/2015

1

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

2966/CR-15
2/9/15
To

Ref. No. : RTI/P-501/(9168/15)/Appeal/15955

Dated : 04-09-2015

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

A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri 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)	03-06-2015	
3.	Details of the order appealed against	F.No.10-62/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 3-6-2015 (Annexure-1) 2. Copy of Accounts Officer / CPIO Letter dated 18-8-2015 (Annexure-2) 3. Copy of CPIO Order dated 12-8-2015 forwarding information dated 3-7-2015	

41/RTI/SKM/15
2/9/15

Customs Excise & Service Tax Appellate Tribunal
07 SEP 2015
West Block 2, R.K.Puram
New Delhi

		<p>of the Registrar (Annexure-3)</p> <p>4. Copy of Appellant's Reminder letter dated 19-8-2015 to the CPIO (Annexure-4)</p> <p>5. Copy of Appellant's Reminder letter dated 11-8-2015 (Annexure-5)</p> <p>6. Copy of Appellant's Reminder letter dated 11-8-2015 to the CPIO (Annexure-6)</p> <p>7. Copy of the transfer letter dated 4-6-2015 of the CPIO (Annexure-7)</p> <p>8. Copy of Appellant's Reminder letter dated 8-6-2015 to the Registrar (Annexure-8)</p> <p>9. Copy of reply dated 23-6-2015 of the AR (Admn.) (Annexure-9)</p>
--	--	--

RIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 03-06-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide datewise details of the amicus curie appointed by Various Benches, CESTAT from 1-1-2014 till the date of providing the information. Please provide details of the Benches and name of the amicus curie appointed and copy of the order appointing them as Amicus Curie.*
- (B) *Please provide the list of the circuit Benches held from 1-4-2013 till the date of providing the information. Please also indicate the name of the Members on the Circuit Bench and total number of appeals and applications listed before each Circuit Bench and number of appeals and applications decided by them.*
- (C) *Please also provide the exact location and the number of day each Circuit Bench was held. Please also provide copy of the order under which Circuit Benches were held.*
- (2) That the appellant vide para 5 of his said application has also made a

declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.

- (3) That Shri Rajender Prasad, Accounts Officer/CPIO and the Deemed CPIOs have deliberately and malafidely not provided complete and correct information as sought by the appellant. He has not forwarded the RTI Application to the Court Masters and the Assistant Registrars of the Central Excise Branch, Customs, Service and Anti-Dumping Branch. 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 has not forwarded the RTI Application in question to the holder of the information as required under Section 5(4) of the RTI Act. He has not forwarded the RTI Application to the Court Masters and the Assistant Registrars of the Central Excise Branch, Customs, Service and Anti-Dumping Branch. 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 CPIO have failed to provide the information as sought in Point (A) of the RTI Application on the ground that such information is not maintained. Under the RTI Act, the maintenance of information is not the pre-requisite for providing the information. Since the information sought is held by the public authority, it

is to be provided. Recently the First Appellate Authority of the CIC in the case of S.C. Agarwal V/s. CIC – First appeal No. CIC/AA/A/2013/269 decided on 3-10-2013 basing its decision on Supreme Court judgment held as under: -

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

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

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

In view of the above decision of the CIC , CPIO and Deemed CPIOs are

required to provide the information as sought in point (A) 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 as per the Cabinet Secretariat's manual of Office Procedure and provisions of Section 4 of the RTI Act, every public authority is required to maintain proper records and non-maintenance of proper records cannot be a ground for denying information. In this regard, Hon'ble Delhi High Court in ***The Registrar, Supreme Court of India v. Commodore***

Lokesh K. Batra and Ors.; W.P.(C) 6634/2011 & CM No.13398/2011
has held as under:

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

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

In view of the above decision and statutory provisions, the information cannot be denied on the ground of non-maintenance when such information is required to be maintained in normal course. 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 Shri Rajender Prasad, Accounts Officer/CPIO and Shri A. Mohan Kumar, Registrar, CESTAT and Deemed CPIO have deliberately and malafidely did not provide the information in time for Point (B) of the RTI Application inasmuch as they have provided the information on 18-8-2015 i.e. after a delay of **46 days**. Therefore, they are liable for penal action for deliberately and malafidely delaying the information though it was readily available with them. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame and he is liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question, without any reasonable cause
- (7) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to

information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

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

PRAYER

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi
Dated : 04-09-2015

o/c

ANNEXURE

18

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

Ref. No. :RTI/P-195/9168/15

Dated : 3-6-2015

To

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

03 JUN 2015
BSE

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 datewise details of the amicus curie appointed by Various Benches, CESTAT from 1-1-2014 till the date of providing the information. Please provide details of the Benches and name of the amicus curie appointed and copy of the order appointing them as Amicus Curie.</p> <p>(B) Please provide the list of the circuit Benches held from 1-4-2013 till the date of providing the information. Please also indicate the name of the Members on the Circuit Bench and total number of appeals and applications listed before each Circuit Bench and number of appeals and applications decided by them.</p> <p>(C) Please also provide the exact location and the number of day each Circuit Bench was held. Please also provide copy of the order under which Circuit Benches were held.</p> <p>Note:-Please provide point-wise information/ response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	

9

6.	A Postal Order No. 26F 027418 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.



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

Place : New Delhi

Encl. : as above

Hira/---hk

2
(10)

F.No. ~~10-62~~/CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 18-08-2015
ID No. 10-62/2015

To,

Shri R.K. Jain
15 B-3, Bhishma Pitamah
Marg, Wazir Nagar,
New Delhi - 110003.

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 9168/2015 Dt. 03-06-2015
and our ID No. 10-62/2015 the information received from AR, SM
containing 01 pages is enclosed herewith for your reference
please.

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


(Rajender Prasad)
Accounts Officer/CPIO

Encl:- AS above

Copy to:- Computer Section for Website

11

SINGLE MEMBER BRANCH

Please refer to your letter No.F.No.10-62/CESTAT/CPIO-ND/RP/2015 dated 12/08/2015 regarding the RTI application I.D. No.10-62/2015.

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

- | | | |
|-----------|---|---|
| Point 'A' | - | No such information/record is maintained/available in the Single Member Bench registry. |
| Point 'B' | - | Does not pertain to Single Member Bench registry. |
| Point 'C' | - | Does not pertain to Single Member Bench registry. |

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

[Signature]
13/08/15

Assistant Registrar – SM

CPIO

Annex 3 (12)

F.No. 10-62/CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 12-08-2015
ID No. 10-62/2015

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 9168/15 Dt. 03-06-2015
and our ID No. 10-62/15 the information received from Registrar
containing 01 pages is enclosed herewith for your reference
please.

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


(Rajender Prasad)
Accounts Officer/CPIO

Encl:- As above

Copy to:- Computers Section for website

With reference to RTI No. 10-69/2015 the information sought is as under

- A. May be collected from the Bench registry.
- B. Circuit Bench was held for 5 times at Hyderabad and Chandigarh.

At Hyderabad : Room No. 703, 6th floor, O/o of Commissioner of Central Excise, Kendriya shulk Bhawan, LB Stadium Road, Basheer Bag, Hyderabad.

- 1. 8.7.13 to 12.7.13
- 2. 30.12.13 to 10.01.14
- 3. 02.02.15 to 6.2.15
- 4. 25.05.15 to 28.05.15

At Chandigarh: from 19.01.2015 to 23.01.2015 at the Office of the Commissioner of Central Excise, C.R. Building, Plot No- 19, Sector 17-C, Chandigarh.


Registrar 3/7/15

CPIO
CESTAT
New Delhi

Smt. Arjun
Hyd
02/7/15

o/c

Anurag G (14)

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-195/9168/15/R16176

19-08-2015

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/9168/15, dated 3/6/2015

Dear Sir,

This refers to your letter No 10-62/CESTAT/CPIO-ND/RP/2015 dated 12-8-2015 and on verification of information provided by you, it is found that the complete information in respect to my aforesaid RTI application has not been provided as indicated in the enclosed note. You are requested to provide the balance information at the earliest

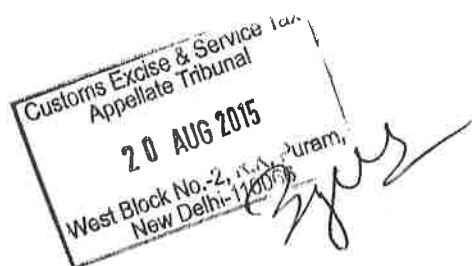
Thanking you,

Yours faithfully,



[R.K. Jain]

Encl: As above



15

RTI- 9168

Following information not provided-

- ❖ Information sought under para 4(a) have still not been provided
- ❖ As regards para 4(b) & 4(c), the name of the members on the circuit bench and the number of appeals listed and the number of appeals disposed of have still not been disclosed.
- ❖ The copies of order under which the circuit benches were held have also not been provided.

T: 14-8-2015

o/c

Annex 5 (16)

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

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

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

RTI/P-195/9168/15/R16088
11-08-2015

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

Sub: My RTI Application No. RTI/9168/15, dated 3/6/2015

Dear Sir,

This is further to my letter No.RTI/P-195/9168/15/R14909 dated 8-6-2015, copy of which is **enclosed** herewith for your ready reference. I regret to inform that so far I have neither received any information nor any response inspite of my reminder letter. You are once again requested to provide the requisite information at the earliest, as under section 7 of the RTI Act, the information is to be provided within 30 days of the RTI application and the said period of 30 days has already expired.

In case you are not willing to provide the information in question, kindly pass an appealable order, otherwise I shall be constrained to file an appeal/complaint in the matter.

Thanking you,

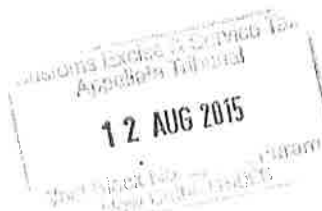
Yours faithfully,


[R.K. Jain]

Encl: As above

Asn

Copy To:- CPIO
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066





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

President, Excise and Customs Bar Association

Editor of

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and author of

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& 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

09 JUN 2015

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

RTI/P-195/9168/15/R14909
08-06-2015

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


Sub: My RTI Application No. RTI/9168/15, dated 3/6/2015

Dear Sir,

This refers to the letter F.No.10-62/CESTAT/CPIO-ND/RP/2015 dated 4-6-2015 of Shri Rajender Prasad, Accounts Officer/CPIO, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) and Section 5(4) read with Section 5(5) of the RTI Act, 2005, for providing the information to me on or before 19-6-2015. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

OK

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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Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case Referencer;
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Services; Valuation under Central Excise; Hand-
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1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9168/15/R16088

11-08-2015

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

Sub: My RTI Application No. RTI/9168/15, dated 3/6/2015

Dear Sir,

This is further to my letter No.RTI/P-195/9168/15/R14909 dated 8-6-2015, copy of which is **enclosed** herewith for your ready reference. I regret to inform that so far I have neither received any information nor any response inspite of my reminder letter. You are once again requested to provide the requisite information at the earliest, as under section 7 of the RTI Act, the information is to be provided within 30 days of the RTI application and the said period of 30 days has already expired.

In case you are not willing to provide the information in question, kindly pass an appealable order, otherwise I shall be constrained to file an appeal/complaint in the matter.

Thanking you,

Yours faithfully,

[R.K. Jain]

Encl: As above

Asn

Copy To:-

CPIO

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

12 AUG 2015

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;
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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

09 JUN 2015

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

RTI/P-195/9168/15/R14909

08-06-2015

Registrar

Customs, Excise & Service Tax Appellate Tribunal

West Block 2, R.K.Puram,

New Delhi - 110066


Sub: My RTI Application No. RTI/9168/15, dated 3/6/2015

Dear Sir,

This refers to the letter F.No.10-62/CESTAT/CPIO-ND/RP/2015 dated 4-6-2015 of Shri Rajender Prasad, Accounts Officer/CPIO, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) and Section 5(4) read with Section 5(5) of the RTI Act, 2005, for providing the information to me on or before 19-6-2015. 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 7

(20)

F.No. 10-62 /CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 04/06/15

ID No. 10-62/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9168/15 dated
03/06/15 (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. 9168/15 dated 03/06/15 CPIO ID No 10-62/15 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 19/6/2015 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 OJM 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 Registrar
- 2 AR (Admin) CESTAT New Delhi
- 3 Computer Section for website

Copy for information to:-

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

V14269

dc



(21)

09 JUN 2015

Annu 8

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

RTI/P-195/9168/15/R14909
08-06-2015

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

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

Sub: My RTI Application No. RTI/9168/15, dated 3/6/2015

Dear Sir,

This refers to the letter F.No.10-62/CESTAT/CPIO-ND/RP/2015, dated 4-6-2015 of Shri Rajender Prasad, Accounts Officer/CPIO, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) and Section 5(4) read with Section 5(5) of the RTI Act, 2005, for providing the information to me on or before 19-6-2015. 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 9

92

F.No. ~~10-62~~/CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 23-06-2015

ID No. 10-62/2015

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 9168/2015 Dt. 03-06-2015
and our ID No. 10-62/2015 the information received from AR, Admin.
containing 01 pages is enclosed herewith for your reference
please.

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

(Rajender Prasad)
Accounts Officer/CPIO

Encl:- As above

Copy to:- Computer Section for website

23

F. No ID No 33 (294)RTI//Misc/CESTAT/ND/Admn-2015

ID No 10-62/2015

Dated : 18/06/2015

Subject: Information sought under RTI Act 2005 - reg

Sir,

With reference to your letter No F. No 10-62/CESTAT/CPIO-ND/RP/2015 dated 04/06/2015, ID No 10-62/2015. The requisite information is as under:-

Point A to C — Not pertains to Administration Section.


18.6.15
(Mukesh Gupta)
Assistant Registrar (Admn)

To,
✓ Shri Rajender Prasad
Account Officer /CPIO

ET. VPC
hp44
18/6/15

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

Appeal No.10-57(A)/CESTAT/FAA-SKM/2015
CPIO ID NO.10-62/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 50/2015

The appellant submits that regarding Point No. (A) in the RTI application, no information have been provided by the Central Excise, Customs and Service Tax Benches of the CESTAT. He further submits that the information sought for has been denied by the Single Member Bench on the ground that no records are maintained or available in the Tribunal for the same. The Appellant submits that maintenance of record is not necessary for providing the information held by the public authority. In this context, he submits a note placing reliance on the judgment Delhi High Court in the case of **Registrar General, Supreme Court of India vs. Commodore Lokesh K. Batra and others W.P.(C.) 6634/2011 & CM No. 13398/2011 dated 04.12.2014.** The applicant does not press for the information with regard to Point No. (B) & (C) in the RTI application.



3. In response to submissions of the appellant, the CPIO submits that he has already forwarded copies of RTI applications to the concerned Assistant Registrars, but no response so far has been received from them. He further submits that the RTI application is of general type, since there is no mention of appeal numbers, where the amicus curie has been engaged. Thus, according to the CPIO, in absence of any specific reference of appeal, furnishing of information is not possible.

4. In view of above, the Assistant Registrars of different Benches are directed to furnish the information, if any, available in the record to the CPIO for onward submission to the appellant. Further, the appellant is also directed to submit the information regarding the appeal numbers etc. to the CPIO/concerned officers, enabling them to obtain requisite information for necessary compliance. The entire exercise should be completed within a period of **3 weeks** from the 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-501/ (9168/15) /Appeal/ 15955 dated 04-09-2015.

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-110060

Appeal No. 10 5600/2015

①

Dyno. 2883/ek-15
26/8/15

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

Ref. No. : RTI/P-501/(9411/15)/Appeal/15938

Dated : 28-08-2015

To

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



31/8/15

26/8/15

A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri 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.10-138/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 CPIO's letter dated 7-8-2015.(Annexure-2) 3. Copy of Appellant's reminder letter dated 14-8-2015 to Deemed CPIOs (Annexure 3 to 8)

50/RTI/SCM/15
9/9/15

		4. Copy of CPIO's letter dated 18-8-2015. (Annexure-9) 5. Copy of CPIO's letter dated 18-8-2015 (Annexure-10) 6. Copy of letter dated 21-8-2015 of Accounts Officer (Annexure-11)
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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) Please provide inspection of daily diary, dak (inward/outward) register/diary maintained by the SPS to the Hon'ble President and in the office of the President for the year 2014 & 2015 and also provide copies of the documents requested on or after inspection. In case digital records are also maintained, kindly provide the data on CD for which the applicant is ready to pay a fee of Rs.50/-.
- (B) Please provide inspection of daily diary, dak (inward/outward) register/diary maintained by the PS to the Registrar and in the office of the Registrar for the year 2014 & 2015 and also provide copies of the documents requested on or after inspection. In case digital records are also maintained, kindly provide the data on CD for which the applicant is ready to pay a fee of Rs.50/-.
- (C) Please provide inspection of daily diary, dak (inward/outward) register/diary maintained by the Assistant Registrar (Admn.) and in the office of the Asst. Registrar (Admn.) for the year 2014 & 2015 and also provide copies of the documents requested on or after inspection. In case digital records are also maintained, kindly provide the data on CD for which the applicant is ready to pay a fee of Rs.50/-.
- (D) Please provide copy of the file opening register of the office of the President, office of the Registrar, office of the Assistant Registrar,

Administration, Accounts Section, Central Registry, and Computer Section for the year 2015.

- (E) *Please provide the File Nos. in which the establishment of CESTAT benches at Allahabad, Hyderabad & Chandigarh are dealt with. Please provide copies of all notesheets of all these files from 1-4-2015 till the date of providing the information and also copies of all correspondence pages from 1-4-2015 till date of providing the information*
- (F) *Please provide copies of all the applications and affidavits filed by the CESTAT in the Allahabad High Court & Punjab & Haryana High Court in relation to the establishment of additional benches at Allahabad and Chandigarh.*
- (G) *Please provide certified copies of the applications, affidavits, replies/counters or rejoinders filed by CESTAT or by the Ministry of Finance in Allahabad High Court in Writ tax No. 354 of 2015 (Om Shiv Transport) and Central Excise Appeal No. 135-136 of 2015 (Kailash Electronics)*
- (H) *Please provide datewise details of the orders passed by the Allahabad High Court in the matters referred to in point (G) above.*

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

(3) That Shri Rajender Prasad, Accounts Officer/CPIO and Deemed CPIO have deliberately and malafidely not provided complete and correct information as sought by the appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the Shri Rajendra Prasad, CPIO, CESTAT, New Delhi and Shri A. Mohan Kumar, Deemed CPIO have not provided the information as sought in point (B) of the RTI Application. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (4) That Shri Rajendra Prasad, CPIO, CESTAT, New Delhi and Shri Mukesh Gupta, Asstt. Registrar (Admn.) & Deemed CPIO have not provided the information as sought in point (C) of the RTI Application. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (5) That Shri Rajendra Prasad, CPIO, CESTAT, New Delhi and Shri Mukesh Gupta, Asstt. Registrar (Admn.) & Deemed CPIO and Shri A. Mohan Kumar, Registrar & Deemed CPIO, CESTAT have not provided the information as sought in point (F) & (G) of the RTI Application. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (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 : 28-08-2015

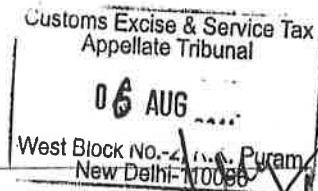
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9411/15

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) Please provide inspection of daily diary, dak (inward/outward) register/diary maintained by the SPS to the Hon'ble President and in the office of the President for the year 2014 & 2015 and also provide copies of the documents requested on or after inspection. In case digital records are also maintained, kindly provide the data on CD for which the applicant is ready to pay a fee of Rs.50/-.</p> <p>(B) Please provide inspection of daily diary, dak (inward/outward) register/diary maintained by the PS to the Registrar and in the office of the Registrar for the year 2014 & 2015 and also provide copies of the documents requested on or after inspection. In case digital records are also maintained, kindly provide the data on CD for which the applicant is ready to pay a fee of Rs.50/-.</p> <p>(C) Please provide inspection of daily diary, dak (inward/outward) register/diary maintained by the Assistant Registrar (Admn.) and in the office of the Asst. Registrar (Admn.) for the year 2014 & 2015 and also provide copies of the documents requested on or after inspection. In case digital records are also maintained, kindly provide the data on CD for which the applicant is ready to pay a fee of Rs.50/-.</p> <p>(D) Please provide copy of the file opening</p>

7

		<p>register of the office of the President, office of the Registrar, office of the Assistant Registrar, Administration, Accounts Section, Central Registry, and Computer Section for the year 2015.</p> <p>(E) Please provide the File Nos. in which the establishment of CESTAT benches at Allahabad, Hyderabad & Chandigarh are dealt with. Please provide copies of all notesheets of all these files from 1-4-2015 till the date of providing the information and also copies of all correspondence pages from 1-4-2015 till date of providing the information</p> <p>(F) Please provide copies of all the applications and affidavits filed by the CESTAT in the Allahabad High Court & Punjab & Haryana High Court in relation to the establishment of additional benches at Allahabad and Chandigarh.</p> <p>(G) Please provide certified copies of the applications, affidavits, replies/counters or rejoinders filed by CESTAT or by the Ministry of Finance in Allahabad High Court in Writ tax No. 354 of 2015 (Om Shiv Transport) and Central Excise Appeal No. 135-136 of 2015 (Kailash Electronics)</p> <p>(H) Please provide datewise details of the orders passed by the Allahabad High Court in the matters referred to in point (G) above.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 32F 027180 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.	


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

Place : New Delhi

Encl. : as above

Hira/---9411 / (IJB)

ANNEXURE-2 (8)

F.No. 10-138...../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. 10-138/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9411/2015 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. 9411/15 dated 06.08.15 CPIO ID No 10-138/2015 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. SPL - President, CESTAT New Delhi
2. Registrar, CESTAT New Delhi
3. Sh. Mukesh Gupta, AR (Admin) CESTAT N. Delhi
4. AR/To, Computer R/o for uploading on website
5. TO, CR, New Delhi
6. AO CESTAT N. Delhi
7. AR/TO, Computer N. Delhi CESTAT

Copy for information to:-

Sh. R. K. Jain,
1512-B BHISHAM PITAMAH MARG,
NEW DELHI-110008.

V-15682.

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-195/9411/15/R16120

14-08-2015

Shri Mukesh Gupta
AR (Admn.)
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066

Sub: My RTI Application No. RTI/9411/15, dated 6/8/2015

Dear Sir,

This refers to the letter ID No.10-138/2015 dated 7-8-2015 of Mr. Rajender Prasad, CPIO & 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

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

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

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9411/15/R16119

14-08-2015

Registrar

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K.Puram,

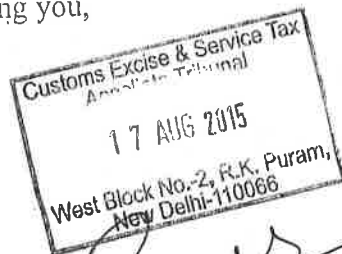
New Delhi - 110066

Sub: My RTI Application No. RTI/9411/15, dated 6/8/2015

Dear Sir,

This refers to the letter ID No.10-138/2015 dated 7-8-2015 of Mr. Rajender Prasad, CPIO & 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]

ANNEKURE-5

alc



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

President, Excise and Customs Bar Association

Editor of

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and author of

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& 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-195/9411/15/R16122

14-08-2015

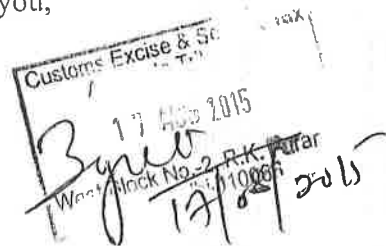
AR/TO, Computer Section
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi
Delhi - 110066

Sub: My RTI Application No. RTI/9411/15, dated 6/8/2015

Dear Sir,

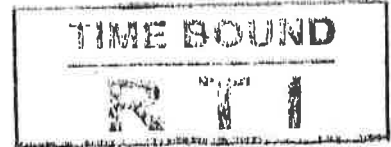
This refers to the letter ID No.10-138/2015 dated 7-8-2015 of Mr. Rajender Prasad, CPIO & Accounts Officer, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly 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]



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

President, Excise and Customs Bar Association

Editor of

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

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-/9411/15/R16123

14-08-2015

AO

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K.Puram,

New Delhi- 110066

Sub: My RTI Application No. RTI/9411/15, dated 6/8/2015

Dear Sir,

This refers to the letter ID No.10-138/2015 dated 7-8-2015 of Mr. Rajender Prasad, CPIO & 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]



9/C

ANNEXURE-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 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-195/9411/15/R16121

14-08-2015

TO (CR)

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K.Puram,

New Delhi - 110066

Sub: My RTI Application No. RTI/9411/15, dated 6/8/2015

Dear Sir,

This refers to the letter ID No.10-138/2015 dated 7-8-2015 of Mr. Rajender Prasad, CPIO & 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,

Customs Excise & Service Tax
Appellate Tribunal
17 AUG 2015
West Block No.-2, R.K. Puram,
New Delhi-110066
17/08/2015

Yours faithfully,

[R.K. Jain]

TIME BOUND

RTI

14

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-195/9411/15/R16118

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/9411/15, dated 6/8/2015

Dear Sir,

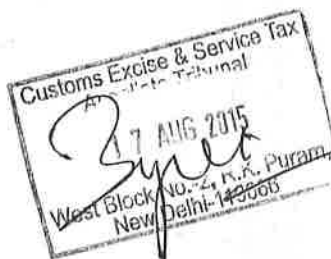
This refers to the letter ID No.10-138/2015 dated 7-8-2015 of Mr. Rajender Prasad, CPIO/Accounts Officer, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly 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]



(13)

F.No.10-138/CESTAT/CPIO-ND/RP/2015
 Customs Excise and Service Tax Appellate Tribunal
 West Block No 2, R.K.Puram, New Delhi-110 066

Dated-18-08-2015

ID No. 10-138/2015

To,

Shri R.K. Jain
 1512-B- Bhishma Pitamaha
 Mang. Wazir Nagar,
 New Delhi - 110003.

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 9411/2015 Dt. 06-08-15
 and our ID No. 10-138/2015. The information received from T.O.(C.R),
 containing 2+1 pages is enclosed herewith for your reference. ^{Info to President}
 please. = 03

You are, Therefore, requested to please acknowledge the
 receipt and deposit Rs. 06/- @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

(16)

CESTAT, New Delhi

Dated: 14.8.2015

In pursuance of the letter F.No. 10-138 /CESTAT/CPIO-ND/NK/2015 dated 7.8.2015 seeking information in relation to the queries Nos.(A) to (H) made in the RTI Application No.RTI/P-195/9411/2015 dated 6.8.2015, it is submitted that

- (i) In response to query No.(A) & (B), inspection of daily diary registers etc. maintained by the SPS to Hon'ble President can be allowed to be done if permission for the same is obtained from the concerned authority. It is also informed that no data on CD pertaining to the office of Hon'ble President is maintained.
- (ii) In response to query No.(C), it is not relatable to the office of Hon'ble President.
- (iii) In response to query No.(D) it is submitted that no file opening register is maintained herein save the registers mentioned at (i) above.
- (iv) So far as the queries Nos.(E) to (H) are concerned, these information may be available from the office of Registrar.


(S.C. Das) 14/8/15

Sr.P.S. to Hon'ble President

CPIO, CESTAT, NEW DELHI

(17)

F.No. 09/CESTAT/CR/2012-13
CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL
WEST BLOCK NO. II, R.K. PURAM, NEW DELHI 110066.

CENTRAL REGISTRY

Dated 17th August 2015.

I.D. NO. 10-138/2015

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

Please refer to note dated 07/08/2015 of CPIO enclosing RTI application of Sh. R.K. Jain seeking information mentioned therein.

Reply to (D): Copy of the file opening register for the year 2015 is enclosed.

Reply to (A) to © and (E) to (H) : _____ CR is not in possession of the information sought. Hence, the information may be retrieved from the relevant section/department.


(Sunil Kumar)
Technical Officer

To,

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

2015.

(18)

20 F.No. 20 | CESTAT | Misc | CR-15
Duty list of officials of CR.

(21) F.No. 21 | CESTAT | Misc | CR-15
matter police ~~to~~ president / before Bench

T.O. 04/02/15

(22) F.No. 22 | CESTAT | Misc | CR-15
Misc correspondence with the other
Sectn of CESTAT

T.O. 10/02/15

ANNEXURE-10

(19)

F.No. ~~10-138~~ CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated- ~~18-08-2014~~

ID No. ~~10-138/2015~~

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. ~~9411/15~~ Dt. ~~06-08-15~~
and our ID No. ~~10-138/15~~ the information received from ~~AR, Computer~~
containing ~~12~~ pages is enclosed herewith for your reference
please.

You are, Therefore, requested to please acknowledge the
receipt and deposit Rs. ~~24/-~~ @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-15756

Genl. Secy.

(20)

F.No 7(3)/CESTAT/RTI/CompSec/2015
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.2, R.K. PURAM, NEW DELHI.

Dated: 18.08.2015

Note

Sub: Information sought by Shri R.K.Jain under RTI Act' 2005 -reply-regd.

Refer: RTI 10-138/2015

Please refer to note dated 07/08/2015 of CPIO issued vide F.No. 10-138/CESTAT/CPIO-ND/RP/2015 on the captioned subject. The information at point D related to computer section is enclosed herewith.

CPIO is requested to collect the charges for enclosure and acknowledge the receipt.

Encl: 12 pages


(Sunil Kumar)
Technical Officer

To

CPIO/CESTAT, Delhi

ANNEXURE-11

(21)

F.No. 70/CESTAT/Accounts/RTI/ 2013-14
Customs, Excise and Service Tax,
Appellate Tribunal,
West Block No.2, R.K.Puram,
New Delhi-110066.

Dated : 21.08.2015

To
The Accounts Officer/CPIO,
CESTAT,
NEW DELHI..

Subject : Information sought under RTI Act 2005 - regarding

Sir,

In reference to your letter F.No.10-138/CESTAT/CPIO-ND/RP/2015(I.D.No 10-138/2015) dated 07.08.2015 pointwise information pertains to this section of RTI application is submitted as under :-

Point (A) to (C) and (E) to (H)

Not pertain to this section.

Point (D)

Photocopy of file opening register for the year 2015 is enclosed.
1 page

Yours faithfully,

Encls as above

(Rajender Prasad)
Accounts Officer

Copy for information to :-

✓ Shri R K Jain, 1512-B, Bhisham Pitamah Marg, Opp. ICICI Bank of Defence Colony, New Delhi - 110003.

Accounts Officer

V-15874

21/8/15

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

Appeal No.10-56(A)/CESTAT/FAA-SKM/2015
CPIO ID NO.10-138/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 64/2015

Appellant submits that after filing of this appeal, he got the communication from the deemed CPIO for inspection of the documents. Since, the RTI Application has been duly complied with by the CPIO and the appellant has no grievance on this count, I am of the view that the appeal can be dismissed as infructuous. Thus, the same is dismissed.

(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-501/(9411/15)/15) /Appeal/15938 dated 28-08-2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.
3. Office Copy

ISSUED ON
28/09/15
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110068

Appeal No. 10-55(A)/2015

11

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

Ref. No. : RTI/P-537/(9311/15)/Appeal/15908

Dated : 05-08-2015

To

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

Customs Excise & Service Tax
Appellate Tribunal

06 AUG 2015

West Block No.-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)	23-06-2015
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	23-8-2015
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 23-6-2015.(Annexure-1) 2. Copy of CPIO's letter dated 25-6-2015.(Annexure-2) 3. Copy of Appellant's letter dated 29-6-2015.(Annexure-3)

2

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 23-06-2015 (**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. (1) E/58804-58807/2013-SM (Jiten Industries & Others)*

(2) *E/57610-57618/2013-EX-DB (Safex Chemicals) (3) E/57378-57379/2013-EX-DB (Anmol Bakers & Others) (4) E/57417-57418/2013-EX-DB(Monu Steels) (5) E/58278-58279/2013-EX-DB(Radha Madhav Industrial & Others) (6) E/58262/2013-EX-DB(DSM Sugar Ltd.) (7) E/58671-58674/2013-EX-DB (SKS Ispat & Power & Others) (8) (Kalindi Ispat Ltd. & 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 after court cause lists of relevant dates.*

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

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

(viii) *Copies of 1st four pages of appeals & last 4 pages of impugned order.*

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

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

3

- (3) That the appellant received letter dated 25-6-2015 (**Annexure-2**) of CPIO to AR (Excise), CESTAT. The Appellant vide letter dated 29-6-2015 (**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.

4

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

PRAYER

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi
Dated : 05-08-2015

o/c

(8)

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

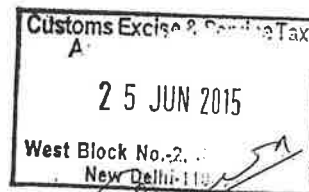
ANNEXURE-I

Ref. No. :RTI/P-195/9311/15

Dated : 23-6-2015

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. (1) E/58804-58807/2013-SM (Jiten Industries & Others) (2) E/57610-57618/2013-EX-DB (Safex Chemicals) (3) E/57378-57379/2013-EX-DB (Anmol Bakers & Others) (4) E/57417-57418/2013-EX-DB(Monu Steels) (5) E/58278-58279/2013-EX-DB(Radha Madhav Industrial & Others) (6) E/58262/2013-EX-DB(DSM Sugar Ltd.) (7) E/58671-58674/2013-EX-DB (SKS Ispat & Power & Others) (8) (Kalindi Ispat Ltd. & 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 after court cause lists of relevant dates. (vi) Copies of all notice of hearing issued to parties.

6

		<p>(vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p> <p>(viii) Copies of 1st four pages of appeals & last 4 pages of impugned order.</p> <p>(B) Please provide list of files from which the information as sought above is provided by you.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 26F 027487 for Rs.10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.	


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

Place : New Delhi

Encl. : as above

Hire/---9311
asn

(7)

ANNEXURE- 2

F.No. 10-98...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 23/06/15

ID No. 10-98/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9311/15 dated
23-06-15 (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. 9311/15 dated 23-06-15 CPIO ID No 10-98/15 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 10/7/2015 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 AO Excise CESTAT New Delh
- 2 Computer Section for website
- 3 _____

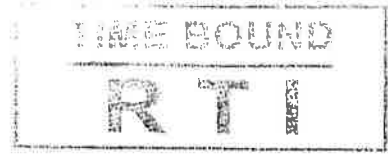
Copy for information to:-

11-14524
Comd Pte

Sh R. K. Jain

1512-B BHISHAM PITAMAH MARG,
NEW DELHI-110003

of



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,

29 JUN 2015

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9311/15/R15319

29-06-2015

Assistant Registrar (Excise)
Customs, Excise & Service Tax Appellate Tribunal
West Block No.2, R.K.Puram,
New Delhi - 110066

Sub: My RTI Application No. RTI/9311/15, dated 23/6/2015

Dear Sir,

This refers to the letter F.No.10-98/CESTAT/CPIO-ND/RP/2015, dated 25-6-2015 of Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

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. 10-55 (A)/CESTAT/ FAA-SKM/2015
CPIO ID No. 10-98/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 49/2015

The grievance of the appellant in this appeal is that the information sought for vide RTI application dated 23.06.2015 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 25.06.2015, followed with reminders dated 21.08.2015 & 16.09.2015 to the Assistant Registrar (Excise), who is also the deemed CPIO. He further submits that the application has also been forwarded to A.R. (SM) on 16.09.2015 for necessary compliance. 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

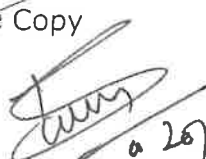


within a period of 2 weeks from the date of receipt of this order. All concerned are directed to comply with this order strictly.


(S.K. MOHANTY)
APPELLATE AUTHORITY

Copy to:-

- Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No RTI/P-537/(9311/15)/Appeal/15908 dated 05.08.2015.
- Shri Rajender Prasad, CPIO/Assistant Registrar, CESTAT, New Delhi.
- Office Copy


a 26/10

ISSUED ON
SIGN (DESPATCHED)
STO: S. EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110068

Appeal No. 10-54(A)/2015

①

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

Ref. No. : RTI/P-537/(9101/15)/Appeal/15846
Dated : 27-07-2015

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)	01-06-2015	
3.	Details of the order appealed against	F.No.70/CESTAT/Accounts/RTI/2013-14 dated 25-6-2015 received on 14-7-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	14-8-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 1-6-2015.(Annexure-1) 2. Copy of Accounts Officer's letter dated 25-6-2015.(Annexure-2)	

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 01-06-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide the date on which Mrs. Archana Wadhwa, Member (Judicial) was transferred to CESTAT, Bangalore and date on which she joined at CESTAT, Bangalore. Please provide copy of the Relieving Report at CESTAT, Delhi and Joining Report at CESTAT, Bangalore.*
- (B) *Please provide the dates on which Mrs. Archana Wadhwa held the court at CESTAT, Bangalore after having reported at CESTAT, Bangalore till the date of providing the information.*
- (C) *Please provide date-wise details for the days Mrs. Archana Wadhwa has not attended the office at CESTAT Bangalore after her posting in December, 2014 as Member (Judicial) till the date of providing the information.*
- (D) *Please provide date-wise details of the leave availed by Mrs. Archana Wadhwa from 1-4-2013 till the date of providing the information. Please indicate the type of leave availed by her.*
- (E) *Please provide the date-wise details of the station leave availed by Mrs. Archana Wadhwa while posted at Bangalore from December 2014 till the date of providing the information.*
- (F) *Please provide information as to the permission sought for the foreign travel by Mrs. Archana Wadhwa from 1-7-2013 till the date of providing the information.*
- (G) *Please provide list of the cases which had to be adjourned at CESTAT, Bangalore from 8-12-2014 till the date of providing the information due to sudden proceeding on leave by Mrs. Archana Wadhwa or due to not relenting on duty.*
- (H) *Please provide tours and travels undertaken by Mrs. Archana Wadhwa from 8-12-2014 till the date of providing the information.*

Please provide copies of tour orders and the amount spent on each tour.

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri Rajender Prasad, CPIO & Accounts Officer has deliberately and malafidely not provided complete and correct information as sought by the appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the CPIO has not provided complete and correct information, inasmuch as no orders for tours & travels of Mrs. Archana Wadhwa from 8-12-2014 have not been provided. If the CPIO was not holding the information, he should have forwarded / transferred the relevant part of the RTI Application under Section 5(4), 5(5) & 6(3) of the RTI Act. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (4) That the CPIO has not provided complete and correct information, inasmuch as no amount has been spent by Delhi Office and the information regarding the tours & travels undertaken by Mrs. Archana Wadhwa from 8-12-2014 should have forwarded / transferred the relevant part of the RTI Application under Section 5(4), 5(5) & 6(3) of the RTI Act.

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

- (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 : 27-07-2015

7C

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

ANNEXURE-1

Ref. No. :RTI/P-172/9101/15

Dated : 1-6-2015

To

Shri Bineesh Kumar,
CPIO & Deputy Registrar,
CESTAT South Zonal Bench,
1st Floor, WTC Building,
FKCCI Complex, K.G.Road,
Bangalore - 560009

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 date on which Mrs. Archana Wadhwa, Member (Judicial) was transferred to CESTAT, Bangalore and date on which she joined at CESTAT, Bangalore. Please provide copy of the Relieving Report at CESTAT, Delhi and Joining Report at CESTAT, Bangalore.</p> <p>(B) Please provide the dates on which Mrs. Archana Wadhwa held the court at CESTAT, Bangalore after having reported at CESTAT, Bangalore till the date of providing the information.</p> <p>(C) Please provide date-wise details for the days Mrs. Archana Wadhwa has not attended the office at CESTAT Bangalore after her posting in December, 2014 as Member (Judicial) till the date of providing the information.</p> <p>(D) Please provide date-wise details of the leave availed by Mrs. Archana Wadhwa from 1-4-2013 till the date of providing the information. Please indicate the type of leave availed by her.</p> <p>(E) Please provide the date-wise details of the station leave availed by Mrs. Archana Wadhwa while posted at Bangalore from December 2014 till the date of providing the information.</p> <p>(F) Please provide information as to the permission sought for the foreign travel by Mrs. Archana Wadhwa from 1-7-2013 till the date of providing the information.</p>

	<p>(G) Please provide list of the cases which had to be adjourned at CESTAT, Bangalore from 8-12-2014 till the date of providing the information due to sudden proceeding on leave by Mrs. Archana Wadhwa or due to not reporting on duty.</p> <p>(H) Please provide tours and travels undertaken by Mrs. Archana Wadhwa from 8-12-2014 till the date of providing the information. Please provide copies of tour orders and the amount spent on each tour.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 21F 265327 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.

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

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

RL 100HT ROAD HQ <110003>

A RD424086497TM

Counter Nos1.OF-Codes:PHONS

To:CPID,CUSTOMES

BANGALORE, PIN:560044

From:R K JAIN, NEW DELH 13

Wt:60grams..

FM:32-00, . 02/06/2015, 12:25

<<Track on www.indiapost.gov.in>>

भारतीय डाक



India Post

R.T.I/P-172/9101/15

R.T.I/P-174/9113/15

R.T.I/P-173/9115/15

F.No. 70/CESTAT/Accounts/RTI/ 2013-14
Customs, Excise and Service Tax,
Appellate Tribunal,
West Block No.2, R.K.Puram,
New Delhi-110066.

Dated : 25.06.2015

To

The Accounts Officer/CPIO,
CESTAT,
NEW DELHI..

Subject : Information sought under RTI Act 2005 - regarding

Sir,

In reference to your letter F.No.10-88/CESTAT/CPIO-ND/RP/2015(I.D.No 10-88/2015) dated 17.06.2015 and to say that information for point H pertains to this section for amount spent on Tour and Travels from 08.12.2014 to till date and the same is nil.

Yours faithfully,

(Rajender Prasad)
Accounts Officer

Copy for information to :-

✓ Shri R K Jain, 1512-B, Bhisham Pitamah Marg, Opp. ICICI Bank of Defence Colony, New Delhi - 110003.

Accounts Officer

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.10-54(A)/CESTAT/FAA-SKM/2015
CPIO ID NO.10-88/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 48/2015

This appeal is directed against the impugned order dated 25.06.2015 of the CPIO wherein the information sought for vide the RTI application dated 01.06.2015 have not been furnished to the satisfaction of the applicant. In response to the appeal, the CPIO submits that the matter has been referred to the Asstt. Registrar (Admn.) for necessary compliance, which has so far not been complied with by the concerned section. In view of above, the CPIO prays for issuance of necessary directions to the concerned Officer for expediting the information sought for with regard to information contained in clause No. (E) & (F) in the RTI Application.

2. Heard both sides.

3. Considering the fact that the information sought for has already been forwarded to the concerned section by the CPIO, which have so far not been complied with, I direct the Assistant Registrar (Admn) to furnish necessary information within the period of **3 weeks** from the date of receipt of this order.

(Signature)
(S.K. MOHANTY)

APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (9101/15) /Appeal/ 15846 dated 27.07.2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.
3. Office Copy

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

Appeal NO. 10-53(A)/2015

(1)

Dy. No. 2413/CR-15
27/7/15

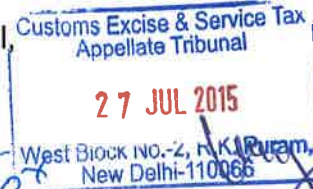
First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-537/(7337/13)/Appeal/15820

Dated : 25-07-2015

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)	17-10-2013
3.	Details of the order appealed against	Letter F. No. 08-214/CESTAT/CPIO-ND/RP/2014 dated 7-7-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	7-8-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 17-10-2013. (Annexure-1) 2. Copy of CPIO letter dated 7-7-2015. (Annexure-2)

18/RTI/SKM/15
27/7/15

BRIEF FACTS OF THE CASE

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

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

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

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

(3) That Shri Rajender Prasad, CPIO & Accounts Officer has 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.

3 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 the CPIO/Deemed CPIO has not provided complete and correct information as sought in point (A) of the RTI application in as much as the copies of the appeals and appellate orders have not been placed on CESTAT website. 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 as regards to the point (B), the CPIO has failed to provide copy of the Action Taken Report as it is required to be submitted under DOPT OM dated 15-4-2013. Despite reference to Admn. Section, no information has been provided. 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 in relation to information sought in point © to (E), the CPIO / Deemed CPIO has not provided complete and correct information and should have forwarded this part of the RTI application to the NIC for complete and correct 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 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 : 25-07-2015

0/c

(3)

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

ANNEXURE- I

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

Dated : 17-10-2013

To

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

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of the DOPT regarding proactive disclosure of RTI applications, appeals received and their responses on your website with search facility based on keyword.</p> <p>(B) Provide copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of DOPT, as required under para 4.3 of the said Guidelines</p> <p>(C) Provide datewise details of the action taken by your public authority in relation to paragraph 4.1, 4.2, 4.4 and 4.7 of the aforesaid Guidelines of the DOPT and copies of all notesheets & correspondence</p> <p>(D) Please provide datewise details of the compliance of para 3.6 of the aforesaid Guidelines.</p> <p>(E) Please provide list of directions given in the aforesaid Guidelines which have not so far been implemented/operationalised by you till 17.10.2013 and expected date by which each one of them is expected to be implemented.</p>


The office is in the process of upgrading & has been through NIT should be implemented

18/10/13

आर.टी.आई. सेल
RTI Cell

	<p>NOTE:- As per paragraph 4.1 of the aforesaid guidelines all public authorities, including CIC is to make the aforesaid guidelines fully operationalised within a period of six-month, the said period of six-month has expired on 15th of October 2013, as the guidelines in question were issued on 15 April 2013.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 13F 808369 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.

Place : New Delhi
Encl. : as above
asn/-7337


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

ANNEXURE-2 (7)

F.No. 08-24 / CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated---7/7/15

ID No. 08-24/2014

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 7337/2013 - Dt. 12/10/13
and our ID No. 08-24/14 and First Appellate Order no. 28/15
the information received from TO, Comp. Pte. containing ---21--- pages is
enclosed herewith for your reference please.

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


(Rajender Prasad)
Accounts Officer/CPIO

Encl: As above

Copy to: - Computer Pte, for uploading on website.

V-14756

Genl Mle

(8)

F.No 7(3)/CESTAT/RTI/CompSec/2015
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.2, R.K. PURAM, NEW DELHI.

Dated: 06.07.2015


Note

Sub: Compliance of Order No. 25/2015 dt.18/06/2015
passed by the Hon'ble First Appellate Authority under RTI
Act, 2005-reg

Refer: 08-214/CESTAT/CPIO-ND/RP/2013 Dt.25/06/2015
RTI-ID No.08-214/2013

Please refer to note dated 25/06/2015 of CPIO issued vide
F.No.08-214/CESTAT/CPIO-ND/RP/2013 on the captioned
subject and copy of the above referred order of the First Appellate
Authority. In this connection the following my please be noted.

- I. With regard to point A it is reiterated that all RTI applications and replies thereto are immediately uploaded on the website as and when received by this section.
- II. With regard to point B it is submitted that the action taken report as envisaged under Office Memoranda No. 1/6/2011-IR dated 15.04.2013 has to be sent to CIC/DOPT by administrative section/CPIO and hence in this regard no action is pending on behalf of computer section except as mentioned at point (III) below.
- III. Till NIC launches the dynamic module of the website, para 4.1,4.2,4.3,4.4 & 4.7 of the above said Office Memoranda cannot be complied with. In this regard, attention is invited to direction of Hon'ble First Appellate Authority for displaying the information through some other means/form till NIC launches the dynamic module of website. In such eventuality, the action lies with Administrative section/CPIO, and not with computer section.


Technical Officer
I/c Computer Unit

To

CPIO/CESTAT, Delhi

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

Appeal No.10-53(A)/CESTAT/FAA-SKM/2015
CPIO ID NO.08-214/CESTAT/CPIO-RP/2013

Shri R.K. Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing/Decision: 22.09.2015

ORDER No 56/2015

The grievance of the appellant in this appeal is that the information sought for vide RTI application dated 17.10.2013 has not been furnished by the CPIO within the time prescribed in the statute. Pursuant to the appeal, the CPIO submits that he has forwarded the RTI application to the concerned section for necessary compliance. Pursuant to the letter of CPIO, the Technical Officer, In-charge of Computer Section vide his letter dated 06.07.2015 has furnished the reply, which in turn was forwarded by the CPIO to the appellant. The appellant submits that the letter dated 06.07.2015 clarifying the reason for non-submission of the information/reply are not satisfactory for the following reasons :-

(a) The appeals and appellate orders of the RTI authority have so far not been placed in the website.
[Point No.(A)]

(b) The CPIO has not furnished the action taken report; rather there is communication gap between the computer Section and the Administration Section



with regard to furnishing the information. [Point No.(B)]

- (c) The stand of the Technical Officer that without modification of website by NIC, the DOPT Instruction cannot be complied with is contradicting to his own stand taken earlier stating that the action can be taken by the Administrative Section of CESTAT.
- (d) No response is forthcoming with regard to point No. (D) & (E).

2. The appellant further submit that since there is dispute as to the jurisdiction over the matter, necessary directions may be issued to the Registrar, enabling receipt of the information suitably.

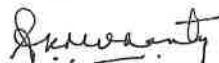
3. In response to the submissions of the appellant, the CPIO submits that the letter of the Technical Officer is contradictory because at the first instance, he stated that NIC has to take appropriate action; and on the other hand, his submission is that the action has to be taken by the Administrative Section or the CPIO and not from the computer section. Thus, the CPIO is also of the view that the matter has to be resolved at the appropriate forum for arriving at the conclusion as to whether the information can be furnished or not.

4. Heard both sides.

5. Since both sides agree that information can be furnished being not exempted under the statute, the same can be furnished upon application being made by the



appellant. However, I observe from the submissions of the appellant that because of confusion in different departments of this Tribunal, the information sought for have not been furnished to him. Considering the fact that the information can be furnished, I am of the view that the Registrar who is overall In-charge of the Administration of the Tribunal is required to look into the matter and cause to furnish the desired information to the appellant preferably within a period of 6 (six) 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/ (7337/13) /Appeal/ 15820 dated 25.07.2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.
3. Office Copy

Appeal No 10-52(A)/2015

①

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

Ref. No. : RTI/P-537/(9405/15)/Appeal/15934

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. 10-140/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 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)	

		4. Copy of Appellant's letter dated 17-8-2015 to CPIO (Annexure-4) 5. Copy of CPIO's letter dated 18-8-2015 (Annexure-5) 6. Copy of CPIO's letter dated 24-8-2015 (Annexure-6)
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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) *The Hon'ble President CESTAT on 23-7-2015 delivered a pre-printed Speech in the Conference Room between 1:00 PM and 2:05 PM. In this regard, please provide the following information:-*

- (i) *Please provide a Certified copy of the aforesaid Speech. A postal Order No.78G 772018 for Rs.50/- is enclosed being copying fees. If amount is short, kindly intimate. If the amount is excess, kindly waive in your favour.*
- (ii) *Please provide the information as to the said Speech was either dictated and/or typed in the office premises of the CESTAT, if not, then the location at which it was dictated / typed.*
- (iii) *Please provide the Name and Designation of the P.S. / Official to whom the aforesaid Speech was dictated/typed and the date(s) on which it was dictated/typed. If it was not dictated or typed by any of the Officials of the CESTAT, kindly provide the details as to the Location and Name of the person who typed it. Please also provide the date on which the said Speech was dictated or typed.*
- (iv) *Please provide the detail of the computers/Laptop on which the said Speech was typed and location of the said Computer/Laptop and the name of the person to whom the said Computer(s)/ Laptop(s) is issued or belongs.*

- (v) *Please provide the information as to whether Shri S.C. Das, SPS and Shri Pant, S.P.S. attached to the President, CESTAT, had taken dictation or typed the said Speech. If yes, please provide the date on which it was dictated/typed.*
- (B) *Please provide the File No. relating to the aforesaid Speech or containing materials relating to the aforesaid Speech. In case the said speech/material is kept in a folder or kept in loose form, kindly provide such information. Please provide copies of all note sheets and correspondence pages of the said file, folder or loose papers and thereafter provide inspection of the originals.*
- (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 has deliberately and malafidely denied the information on the ground that no records of the information are maintained/available with them. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the CPIO has erred in not forwarding/transferring the RTI application u/s 5(4) & 5(5) of the RTI Act to the President of CESTAT who is 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 Shri Rajender Prasad, Accounts Officer/ CPIO & the Deemed CPIOs has deliberately and malafidely denied the information on the ground that no records of the information are maintained/available with them. If the records were not available with the CPIOs/Deemed CPIOs, they should have forwarded/transferred the RTI application to the holder of the information i.e. the President of the CESTAT who has delivered the pre-printed speech in question. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (5) 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*

5

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.

- (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.

-7-

- (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

ok

ANNEXURE 18

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

Ref. No. :RTI/P-195/9405/15

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) The Hon'ble President CESTAT on 23-7-2015 delivered a pre-printed Speech in the Conference Room between 1:00 PM and 2:05 PM. In this regard, please provide the following information:-</p> <p>(i) Please provide a Certified copy of the aforesaid Speech. A postal Order No. 78G 772018 for Rs.50/- is enclosed being copying fees. If amount is short, kindly intimate. If the amount is excess, kindly waive in your favour.</p> <p>(ii) Please provide the information as to the said Speech was either dictated and/or typed in the office premises of the CESTAT, if not, then the location at which it was dictated / typed.</p> <p>(iii) Please provide the Name and Designation of the P.S. / Official to whom the aforesaid Speech was dictated/typed and the date(s) on which it was dictated/typed. If it was not dictated or typed by any of the Officials of the CESTAT, kindly provide the details as to the Location and Name of the person who typed it. Please also provide the date on which the said Speech was dictated or typed.</p> <p>(iv) Please provide the detail of the computers/Laptop on which the said Speech was typed and location of the said</p>

NO Pre-printed Speech seen Per the letter CPIO's letter dt. 14.08.2015.

		<p>Computer/Laptop and the name of the person to whom the said Computer(s)/Laptop(s) is issued or belongs.</p> <p>(v) Please provide the information as to whether Shri S.C. Das, SPS and Shri Pant, S.P.S. attached to the President, CESTAT, had taken dictation or typed the said Speech. If yes, please provide the date on which it was dictated/typed.</p> <p>(B) Please provide the File No. relating to the aforesaid Speech or containing materials relating to the aforesaid Speech. In case the said speech/material is kept in a folder or kept in loose form, kindly provide such information. Please provide copies of all note sheets and correspondence pages of the said file, folder or loose papers and thereafter provide inspection of the originals.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 32F 026863 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.	


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

Place : New Delhi

Encl. : as above

Hira/.....9405 (lb)

ANNEXURE- 2

F.No. 10-140/CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

10

Dated 07/08/15

ID No. _____

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 9405/2015 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. 9405/15 dated 06.08.15 CPIO ID No 10-140/2015 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
(Rajender Prasad)
Accounts Officer/CPIO

To

1 SPS - President CESTAT New Delhi

2 _____

3 _____

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

Copy for information to:-

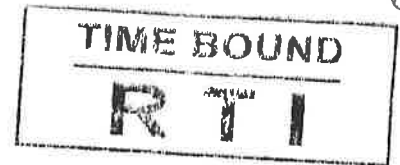
Sh. R.K. Jain,
1512-B BHISHAM PITAMAH MARG,
HAZIR NAGAR

V-15678.

Beel Pato

O/C

Annex 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

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9405/15/R16132

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/9405/15, dated 6/8/2015

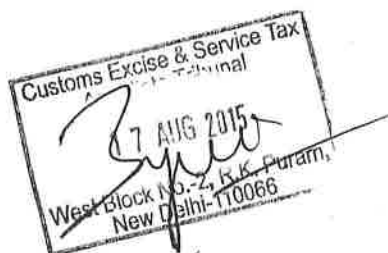
Dear Sir,

This refers to the letter ID No. 10-140/2015 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

Annex 4

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

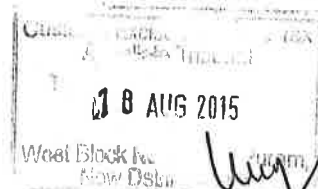
President, Excise and Customs Bar Association

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



1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9405/15/R16136

17-08-2015

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

Sub: My RTI Application No. RTI/9405/15, dated 06/08/2015

Dear Sir,

You by letter No. 10-140/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, CESTAT. The applicant understands that most of the information as sought by him is exclusively held by the Hon'ble President of the CESTAT, therefore this application may also be forwarded to him u/s 5(4) and 5(5) of the RTI Act.

Thanking you,

Yours faithfully,

A handwritten signature in black ink, appearing to be 'R.K. Jain'.

[R.K. Jain]

Annex 5 (13)

F.No. ~~10-140~~ CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated ~~18-08-2015~~
ID No. ~~10-140/2015~~

To


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

Subject: Information under Right to Information Act 2005.

Sir,


Please refer to your RTI application No. ~~9405/2015~~ Dt. ~~06-08-15~~
and our ID No. ~~10-140/2015~~ the information received from ~~State Govt~~
containing ~~201~~ pages is enclosed herewith for your reference
please.

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


(Rajender Prasad)
Accounts Officer/CPIO

Encls. As above


Copy to:- Computer Section for website

V-15771 

CESTAT, New Delhi

Dated:14.8.2015

In pursuance of the letter F.No. 10-140 /CESTAT/CPIO-ND/NK/2015 dated 7.8.2015 seeking information relating to the points made in the RTI Application No.RTI/P-195/9405/2015 dated 6.8.2015, it is submitted that reply to query No.(A) (i), no record of pre-printed speech delivered in the Conference Room between 1.00 pm and 2.05 pm by Hon'ble President was maintained /available with the undersigned. So the response to the rest of the queries does not arise.


(S.C. Das)

Sr.P.S. to Hon'ble President

CPIO, CESTAT, NEW DELHI

ANNEXURE-6
(15)

F.No.10-140/CESTAT/CPIO-ND/RP/2015
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
WEST BLOCK-2 R.K.PURAM-110066

Dated: 24.08.2015
ID No.10-140/2015

To,

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

Sub: RTI Application No.9405/2015– Reg.

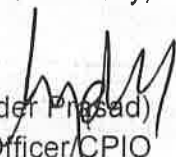
Sir,

With reference to your RTI Application No.RTI/P-195/9405/15 dated 06-08-2015 this is to state that as per the reply of SPS to Hon'ble President Shri S. C. Das on point i) of (A) forwarded to you with the letter of even number dated 18-08-2015 where in it is stated that

"No record of pre-printed speech delivered in the conference room between 1.00 pm to 2.05 pm by Hon'ble President was maintained/available with the undersigned. So the response to the rest of the queries does not arise."

Therefore, the IPO No. 78G 772018 of Rs. 50.00 is being returned herewith in original. Please acknowledge the receipt.

Yours faithfully,


(Rajender Prasad)
Accounts Officer/CPIO

Encl.: As above

Copy to: Computer Incharge – for uploading on website.

V-15875
Rajender Prasad

04/08/2016

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

Appeal No.10-52 (A)/CESTAT/FAA-SKM/2016

Appeal No.10-69 (A)/CESTAT/FAA-SKM/2016

CPIO, I.D. No. 10-139 & 10-140/CESTAT/CPIO-VP/2016

Date of Hearing: 09.11.2015

Date of Hearing: 22.12.2015

Sh. R.K.Jain

Appellant

Vs.

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

Respondent

ORDER 13/12/2016

The grievance of the appellant in this appeal is that the information sought for vide his RTI application dated 06/08/2015 has not been furnished by the CPIO/Deemed CPIO. The information contained in the RTI application relates to the speech delivered by the President, CESTAT on 23/07/2015 in the conference room.

2. I have perused the written submissions filed by both sides. The relevant paragraphs in the written submission of CPIO is extracted herein below :-

"The function of the public authority in the present matter is enumerated in the CESTAT Procedure Rules quoted hereinabove. The information sought by him does not cover under any Rule quoted above; therefore, maintenance of the record of the information sought by the appellant herein does not arise because the record sought by the appellant is nowhere connected with the function of the public authority.

R.K.J.

The Public Authority in the instant matter, is liable to maintain the records mentioned in the extracts of Judicial Manual, CESTAT, reproduced hereinabove. The information sought by the appellant, is nowhere mentioned in the said Judicial Manual.

In light of the foregoing statutory provisions, the information sought by the appellant herein does not come in the ambit of the statutory records to be maintained by the public authority for discharging the statutory functions by this Tribunal. Therefore, the deemed CPIO i.e. Senior Private Secretary, to the Hon'ble President, CESTAT had rightly taken a view that the information sought by the appellant herein is not maintained by the Public Authority as the Hon'ble President, CESTAT wanted to address the Members of the CESTAT and lawyers, informally and such record is not in existence. The said speech was nothing to do with the statutory functions of the CESTAT. It was a speech by the President CESTAT to the Members of CESTAT and lawyers for better coordination. There was no formal invitation to any person to listen to such speech".

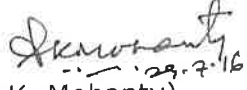
3. In response to the written submission of CPIO, the appellant filed its reply dated 28/10/2015, containing inter alia that the information cannot be denied on the ground of non-maintenance, when such information is required to be maintained in normal course or is otherwise available in any form with the Public Authority. To support his stand that related information has to be furnished, the appellant has relied on the judgment of Hon'ble Delhi High Court in the case of **Registrar, Supreme Court of India vs. Commodore Lokesh K. Batra and ors.**; w.p.(c) 6634/2011 and CM No. 13398/2011.

4. It is an admitted fact on record that no records are being maintained with regard to the information sought for by the appellant and address of President to the Members of CESTAT and lawyers are not in a formal way, concerning or connecting with the functioning of the CESTAT. Therefore, in absence of non-maintenance of any records to that effect, it is imperative that there is no document available for



submission to the RTI applicant. Further, the RTI statute does not mandate maintenance of records/documents in a particular fashion or manner that suits to the requirements of the applicant. The judgment in the case of **Lokesh K. Batra** (supra) is distinguishable from the facts of the present case in as much as the speech delivered by the President, CESTAT is not at all in connection with the functioning of the CESTAT for which no records are available in any section/branch of CESTAT.

5. In view of the specific averment of the CPIO that no records relating to the information are maintained, the same in my opinion, cannot be gathered (source not known) for submission to the appellant under the RTI Act. Therefore, I do not find any merit in the appeal filed by the appellant and dismiss the same.


(S.K. Mohanty)
Appellate Authority

Copy to :-

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

Appeal No. 10-57(A)/2015

10

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

Ref. No. : RTI/P-537/(9315/15)/Appeal/15909

Dated : 05-08-2015

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)	25-06-2015
3.	Details of the order appealed against	
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	25-8-2015
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 25-6-2015.(Annexure-1) 2. Copy of CPIO's letter dated 25-6-2015.(Annexure-2) 3. Copy of Appellant's letter dated 29-6-2015.(Annexure-3)

26/RTI/SCM/15
7/8/15

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 25-06-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide copy of the VRS request received from Shri H.K. Thakur, Member (Technical) CESTAT, Ahmedabad.*
 - (B) *Please provide the File No. in which the said request for VRS is considered and provide copies of all notesheets and correspondence pages of said file.*
 - (C) *Please provide inspection of the copies of all communications received from Shri P.K.Das, Member (Judicial) at CESTAT Ahmedabad and Shri H.K. Thakur from 1-7-2014 till the date of providing the information.*
 - (D) *Please provide datewise details of the leave availed by Shri H.K. Thakur and Shri P.K. Das, Hon'ble Members posted at CESTAT Ahmedabad.*
 - (E) *Please provide inspection of the files relating to Shri H.K. Thakur and Shri P.K. Das in the Administration Section.*
- (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 25-6-2015 (**Annexure-2**) of CPIO to AR (Admn) CESTAT. The Appellant vide letter dated 29-6-2015 (**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.

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- (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 : 05-08-2015

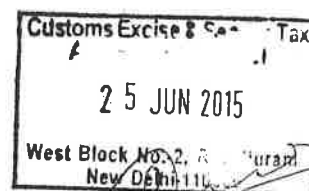
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9315/15

Dated : 25-6-2015

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 copy of the VRS request received from Shri H.K. Thakur, Member (Technical) CESTAT, Ahmedabad.</p> <p>(B) Please provide the File No. in which the said request for VRS is considered and provide copies of all notesheets and correspondence pages of said file.</p> <p>(C) Please provide inspection of the copies of all communications received from Shri P.K.Das, Member (Judicial) at CESTAT Ahmedabad and Shri H.K. Thakur from 1-7-2014 till the date of providing the information.</p> <p>(D) Please provide datewise details of the leave availed by Shri H.K. Thakur and Shri P.K. Das, Hon'ble Members posted at CESTAT Ahmedabad.</p> <p>(E) Please provide inspection of the files relating to Shri H.K.Thakur and Shri P.K.Das in the Administration Section.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	

6.	A Postal Order No. 26F 027494 for Rs.10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.



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

Place : New Delhi

Encl. : as above

Hira/---9315
ASN

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ANNEXURE-2

F.No. 10-99...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 25/06/15

ID No. 10-99/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9315/15 dated
25/06/15 (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. 9315/15 dated 25/06/15 CPIO ID No 10-99/15 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 10/7/2015 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above


(Rajender Prasad)
Accounts Officer/CPIO

To

- 1 AR (Admin) CESTAT New Delhi
- 2 Computer Section for website,
- 3

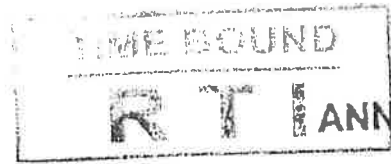
Copy for information to:-

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

V-14531

Gen/246

o/c



ANNEXURE-3

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

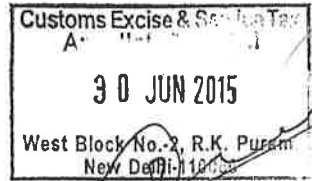
President, Excise and Customs Bar Association

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-195/9315/15/R15321
29-06-2015

Assistant Registrar (Admin)
Customs, Excise & Service Tax Appellate Tribunal
West Block No.2, R.K.Puram,
New Delhi - 110066

Sub: My RTI Application No. RTI/9315/15, dated 25/6/2015

Dear Sir,

This refers to the letter F.No.10-99/CESTAT/CPIO-ND/RP/2015, dated 25-6-2015 of Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

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. 10-51 (A)/CESTAT/ FAA-SKM/2015
CPIO ID No. 10-99/CESTAT/CPIO-RP/2015

Shri R.K.Jain

...Appellant

Vs.

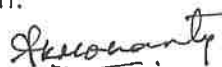
Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing/decision: 21.09.2015

ORDER NO 47/2015

During the course of hearing of appeal, the appellant submits that the information sought for were received from the CPIO after filing the present appeal, and thus, he wants to withdraw the appeal. The prayer of the appellant is acceded to, and as such, the appeal is dismissed as withdrawn.


(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/(9315/15)/Appeal/15909 dated 05.08.2015
2. Shri Rajender Prasad, CPIO/Assistant Registrar, CESTAT, New Delhi.
3. Office Copy