

1639/CR-15  
02/06/15

Appeal No. 10-31(A)/2015

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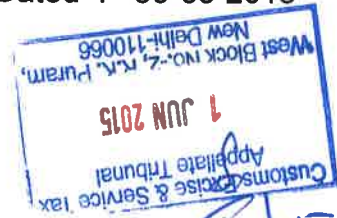
**First Appeal under Section 19 of the Right to Information Act, 2005  
against Deemed Refusal**

Ref. No. : RTI/P-537/(9065/15)/Appeal/15744

Dated : 30-05-2015

To

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



**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad 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)	24-04-2015	
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	24-6-2015	
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 24-4-2015. (Annexure-1)	

CP/0  
02/06/15

sh. vpc  
Jyoti  
08/6/15

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 24-04-2015 (**Annexure -- 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *It is learnt that the CESTAT Members Conference / Meeting is going to be held in Mumbai in May, 2015. In this respect, please provide the following information:*
- (i) *Please provide the file number from which the proposal for holding the aforesaid Members Conference / Meeting is proposed and provide copies of all notesheets and correspondence pages of the said file.*
  - (ii) *Please provide details as to the total expenditure involved (including for Tour & Travel).*
  - (iii) *Please provide details of the Venue of aforesaid conference / meeting and the names of the officials including Customs and Excise Officials and the Lawyers, who are making arrangements for the aforesaid conference / meeting.*
  - (iv) *Please provide details of the source of fund and the accounting head from which the expenses for the aforesaid conference / meeting has been made / are being made.*
  - (v) *Please provide details of the approval of the Ministry of Finance for holding the said conference / Meeting at Mumbai instead of at CESTAT Headquarters at Delhi.*
  - (vi) *Please provide copies of the agenda points and purpose of holding these conferences/ meetings at Mumbai instead of CESTAT Headquarters at Delhi.*
- (B) *Please provide details of the last three CESTAT Members Conferences / Meetings with their location and the amount spent on the said conferences / meetings. Please also provide information and copies of the documents about the outcome of the said conferences / meetings.*
- (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 27-4-2015 (**Annexure-2**) of the CPIO to A.R.(Admn.) & Registrar. The Appellant vide letters dated 29-4-2015 (**Annexure-3**) requested the said authorities to provide the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

#### **GROUND OF APPEAL**

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

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- (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 : 30-05-2015

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

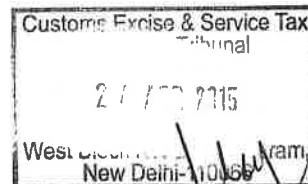
ANNEXURE-1

Ref. No. :RTI/P-195/9065/15

Dated : 24-4-2015


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) It is learnt that the CESTAT Members Conference / Meeting is going to be held in Mumbai in May, 2015. In this respect, please provide the following information: (i) Please provide the file number from which the proposal for holding the aforesaid Members Conference / Meeting is proposed and provide copies of all notesheets and correspondence pages of the said file. (ii) Please provide details as to the total expenditure involved (including for Tour & Travel). (iii) Please provide details of the Venue of aforesaid conference / meeting and the names of the officials including Customs and Excise Officials and the Lawyers, who are making arrangements for the aforesaid conference / meeting. (iv) Please provide details of the source of fund and the accounting head from which the expenses for the aforesaid conference / meeting has been made / are being made. (v) Please provide details of the approval of the Ministry of Finance for holding the said conference / Meeting at Mumbai instead of at CESTAT Headquarters at Delhi. (vi) Please provide copies of the agenda points and purpose of holding these conferences/ meetings at Mumbai instead of CESTAT Headquarters at Delhi.

		(B) Please provide details of the last three CESTAT Members Conferences / Meetings with their location and the amount spent on the said conferences / meetings. Please also provide information and copies of the documents about the outcome of the said conferences / meetings. <b>Note:-Please provide point-wise information/response for each of above points.</b>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 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 265365 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided <b>within 30 days of the Application.</b>	

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

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

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.10-31(A)/CESTAT/FAA-RK/2015**

Shri R.K. Jain

....Appellant

Vs.

CPIO, CESTAT

....Respondent

Date of Hearing: 19.06.2015

NO. \_\_\_\_\_ Dated \_\_\_\_\_

**ORDER** 27/2015

The applicant vide RTI application dated 24.04.2015 filed under Section 6 of the RTI Act, 2005 had sought certain information in relation to the CESTAT Members Conference/Meeting held on 16.05.2015.

2. Heard both the sides.

3. The CPIO states that in spite of having been issued two reminders on 27.05.2015 and 12.06.2015 to the Registrar and Asstt. Registrar, (Admn), the required information has not been furnished. The Registrar and Asstt. Registrar, Admn. are directed to provide the required information to the CPIO within week's time to enable him to pass on the same to the applicant.

  
( Rakesh Kumar )  
Appellate Authority

Copy to:-

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

Ckp



28/6/15  
28/6/15  
CUSTOMS, EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI-110 003

Appeal No. 10-32(R)/2015

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

Ref. No. : RTI/P-537/(7337/13)/Appeal/15745

Dated : 04-06-2015

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 ID No.08-214/2014 dated 22-5-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	22-6-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 17-10-2013. <b>(Annexure-1)</b> 2. Copy of CPIO's letter dated 2-12-2013. <b>(Annexure-2)</b> 3. Copy of CPIO's letter dated 29-12-2014. <b>(Annexure-3)</b> 4. Copy of 1st Appeal dated 8-1-2015. <b>(Annexure-4)</b> 5. Copy of Appellate Order dated 10-4-2015. <b>(Annexure-5)</b> 6. Copy of CPIO's letter dated 22-5-2015. <b>(Annexure-6)</b>



## 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 the CPIO and the Deemed CPIO have deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

#### **GROUND OF APPEAL**

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the CPIO and the Deemed CPIO are deliberately and malafidely not provided complete and correct information, inasmuch as the information is transmitted in May, 2015 but it contains information only up to October – December, 2014. Therefore, the CPIO may be directed to provide up-to-date information within time bound frame.
- (4) That the CPIO and the Deemed CPIO are deliberately and malafidely not provided complete and correct information, inasmuch they have withheld the information in relation to Mrs. Archana Wadhwa, Member (J), Shri H.K. Thakur, Member (T) and Shri P.K. Jain, Member (T). Therefore, the CPIO may be directed to provide up-to-date information 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 the information to the appellant within time bound frame.
- (6) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (7) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in

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

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

#### **PRAYER**

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi  
Dated : 4-6-2015

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	(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.

	<p><b>NOTE:-</b> 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><b>Note:-</b> 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  
RSHV—7337

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

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F.No. 08-244 /CESTAT/CPIO-ND/RP/2013,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

ANNEXURE-2

Dated 2/12/13

ID No. 08/244

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain (Transferred from M/WS) of  
Under RTI Act 2005 vide No. 7337/13 dated  
17/10/13 (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. 7337/13 dated 17/10/13 CPIO ID No 08-244/13 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 13/12/13 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 (Admn)

Copy to: 2. Registrar, CESTAT, New Delhi — for information.

2. Sh. R.K. Jain, 1512 B, Bhisim Pitamah Marg,  
Mazgaon Nager, New Delhi - 110003.  
— for information to

V-6962

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F.No. ~~82/14~~ CESTAT/CPIO-ND/RP/2013  
Customs Excise and Service Tax Appellate Tribunal  
West Block No 2, R.K.Puram, New Delhi-110 066

ANNEXURE-3

Dated--~~29/12/14~~

ID No. ~~18-244/14~~

To,

✓  
Mr. R K Jahn,  
1512 B, Blue Pine Pitambara Marg,  
Wazir Nagar,  
New Delhi - 110003

Subject: Information under Right to Information Act 2005.

Sir,

In compliance of FAA's order no. 50/2014  
Please refer to your RTI application No. ~~7327/13~~ Dt. ~~17/10/13~~  
and our ID No. ~~18-244/2013~~. the information received from ~~TD, Computer PC~~  
containing ~~02~~ pages is enclosed herewith for your reference  
please.

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

Encl: As above

  
(Rajender Prasad)  
Accounts Officer/CPIO

Copy to TD, Computer PC for uploading.

### Note

**Sub:** Compliance Order No. 050/2014 passed by the Hon'ble First Appellate authority under RTI Act.2005

**Refer:** Appeal No. 09-051(A)/CESTAT/FAA-RK/2014  
CPIO ID No. 08-214/CESTAT/CPIO-ND/RP/2013

Please refer note dated 2/12/2014 of CPIO enclosing copy of above referred order. In this regard following information is furnished for compliance of the said order:-

- A) Computer Section is uploading the scanned copies of RTI application/appeals and responses thereto as and when received from the the office of CPIO.
- B) Action Taken Report is to be compiled and forwarded to CIC by the Administration Section/CPIO. As far as Computer Section is concerned the compliance of the guidelines issued vide Office Memorandum dated 15/10/2013 is pending for want of updation and renovation of the website by NIC.
- C) Computer unit is responsible for compliance of para 4.1, 4.2, 4.4 & 4.7 only in respect of the display on the website. As informed earlier, the said compliance is still pending for want of full operationnalisation of the website.
- D) As has been informed earlier, NIC is being persuaded to expedite the job of full operationalisation of the website. The Computer Unit uploads and displays information reduced in electronic form in respect of records/information received from various sections, of the CESTAT. Information about Causelist, Supplementary Causelist, Judgment, applications Tour Order, Rosters, Notices, Circular etc. are uploaded on the

2067/CPIO  
22/12/2014



periodic basis. Once the full operationalisation of website is achieved, guidelines issued under Para 3.6 can be completely complied with.

E) Full compliance of the guidelines pertaining to Computer Section can be carried out once,

- i) The information/disclosure are made available to Computer Section in digital form by different sections of the CESTAT, and
  - ii) The dynamic module of website of CESTAT is launched by NIC.
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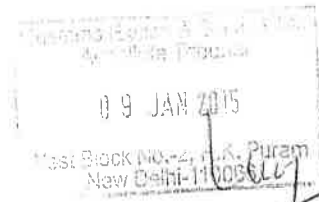
**F.No 7(1)/CESTAT/RTI/CompSec/2014**

**Dated : 19-12-2014**

*19/12/14*  
**Technical Officer**  
**Computer Section**

**To**

**The CPIO, CESTAT Delhi**



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

**ANNEXURE-4**

Ref. No. :RTI/P-537/(7337/13)/Appeal/15585

Dated : 08-01-2015

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

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	(1) Shri Rajender Prasad CPIO & Accounts Officer (2) Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO (3) Technical Officer (Computer Section) Deemed CPIO
		(b) Address	CESTAT West Block 2, R.K. Puram, New Delhi - 110066
2.	Date of submission of application	17-10-2013	
3.	Details of the order appealed against	F.No. 08-214/CESTAT/CPIO-ND/RP/2013 dated 29-12-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	29-1-2015	
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. <b>(Annexure-1)</b> 2. Copy of CPIO's letter dated 30-10-2013. <b>(Annexure-2)</b> 3. Copy of CPIO's letter dated 2-12-2013. <b>(Annexure-3)</b> 4. Copy of Appellate Order dated 14-10-2014. <b>(Annexure-4)</b>	

		5. Copy of CPIO's letter dated 1-1-2014. (Annexure-5) 6. Copy of CPIO's letter dated 29-12-2014. (Annexure-6)
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**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, Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO and the Technical Officer (Computer Section), Deemed CPIO, have deliberately and malafidely provided incomplete and incorrect information. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

#### GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri Rajender Prasad, CPIO & Accounts Officer, Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO and the Technical Officer (Computer Section), Deemed CPIO, have deliberately and malafidely provided incomplete and incorrect information. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That Shri Rajender Prasad, CPIO, CESTAT New Delhi, is not providing the information, which the Public Authority is required to proactively disclosed, hence, they are denying the information resulting in obstruction of the same without any reasonable cause. Therefore, he may be directed to provide the information.
- (5) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.

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

**PRAYER**

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi  
Dated : 08-01-2015

IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE  
TRIBUNAL

R.K. PURAM, WEST BLOCK NO. 2, NEW DELHI-110066  
PRINCIPAL BENCH

Date of hearing/decision: 10/04/2015

Appeal No. 10-17(A)/CESTAT/FAA-RK/2015  
CPIO ID NO. 08-214/CESTAT/CPIO-RP/2014

Sh. R.K. Jain.

Appellant

Vs.

Sh. Rajender Prasad,  
CPIO, CESTAT

Respondent

ORDER 18/2015

Per: Rakesh Kumar

The applicant under the RTI application dated 17/10/2013 had sought certain information point wise in respect of the implementation of the directions issued in para 1.4.1 of the guidelines enclosed with Office Memorandum No. 1/6/2011-IR dated 15/4/2013 of the DOPT. This OM is regarding pro-active disclosure of RTI applications, the appeals received and their responses on the organisation's website with search facility based on key word. Though the CPIO has furnished point wise reply, the applicant is not satisfied with the same as according to him, the information supplied is not complete. Hence, this appeal has been filed.

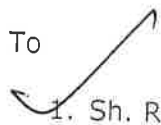
2. Heard both the sides.
3. Since for maintenance of the website, the AR (Administration) and AR (Computer) are involved, the Registrar is directed to see to it that the required information is supplied to the CPIO for onward

1

transmission to the applicant. The information is to be furnished within 3 weeks' time.

  
(Rakesh Kumar)  
First Appellate Authority

To

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

3. office copy

F.No. 08-214/ CESTAT/CPIO-ND/RP/2014  
Customs Excise and Service Tax Appellate Tribunal  
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 22/05/2015  
ID No. 08-214/2014

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. 17-10-2013  
and our ID No. 08-214/2014 and First Appellate Order no. 18/2015  
the information received from AR (Admn) containing 282 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



I.D. No. 08-218/2013  
Dated : 05.05.15

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

Sir,

With reference to Sh. R.K. Jain's RTI application No. RTI/P-195/7522/13/R13450 dated 11.12.14 & CPIO letter F. No. 08-218/CESTAT/CPIO-ND/2014 dated 02.12.14 and in compliance of Hon'ble 1<sup>st</sup> Appellate Authority order No. 049/2014 dated 14.10.14 passed in appeal No. 08-218/2013, wherein sought information relating to point 'A' & 'E' under RTI Act 2005.

In this connection, information relating to point 'A' - find enclosed herewith photocopies of all type of leave applications in r/o Hon'ble President/Vice-President/Members of CESTAT w.e.f. 01.01.2013 details as under:-

S. No.	Name of the Officer	No. of Pages
1.	Justice G. Raghuram, President	1 to 17
2.	Sh. M.V. Ravindran, Member (Judicial)	1 to 31
3.	Sh. Rakesh Kumar, Member (Technical)	1 to 21
4.	Sh. D.N. Panda, Member (Judicial)	1 to 48
5.	Sh. P.K. Das, Member (Judicial)	1 to 27
6.	Sh. B.S.V. Murthy, Member (Technical)	1 to 25
7.	Sh. Ashok Jindal, Member (Judicial)	1 to 15
8.	Sh. Anil Choudhary, Member (Judicial)	1 to 13
9.	Dr. D.M. Misra, Member (Judicial)	1 to 17
10.	Sh. P.R. Chandrasekharan, Member (T)	1 to 11
11.	Sh. S.K. Mohanty, Member (Judicial)	1 to 3
12.	Dr. I.P. Lal, Member (Technical)	1 to 33
13.	Sh. Ramesh Nair, Member (Judicial)	1 to 5
14.	Sh. P.S. Pruthi, Member (Technical)	1 to 7
15.	Sh. R.K. Singh, Member (Technical)	1 to 4
16.	Sh. R. Periasami, Member (Technical)	1 to 5

Remaining details will be submitted shortly.

Encl. : A/a

*Total -> 282 Pages*

Yours faithfully,

*[Signature]*  
(Mukesh Gupta)  
Assistant Registrar (Admn.)

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

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

**Appeal No.10-32(A)/CESTAT/FAA-RK/2015**

Shri R.K. Jain

....Appellant

Vs.

CPIO, CESTAT

....Respondent

Date of Hearing: 19.06.2015

NO. \_\_\_\_\_ Dated \_\_\_\_\_

**ORDER**

28/2015

Heard both the sides.

2. The appeal is dismissed as not pressed.

  
( Rakesh Kumar )  
Appellate Authority

Copy to:-

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

hpd  
28/6/15 Ckp

28/6/15  
ISSUED ON  
SIGN (TO BE AFFIXED)  
CUSTOMS EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL  
NEW DELHI-110006

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

Ref. No. : RTI/P-537/(9091/15)/Appeal/15758

Dated : 30-06-2015

To

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

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	(1) Shri Rajender Prasad CPIO & Accounts Officer (2) Shri A. Mohan Kumar, Registrar and Deemed CPIO (3) Shri Mukesh Gupta - Assistant Registrar (Admn.), Deemed CPIO
		(b) Address	CESTAT, 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 18-6-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	18-7-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 30-5-2015.(Annexure-1) 2. Copy of CPIO's letter dated 4-6-2015.	

		<b>(Annexure-2)</b> 3. Copy of Appellant's reminder letters dated 8-6-2015. <b>(Annexure-3)</b> 4. Copy of Accounts Officer's letter dated 18-6-2015. <b>(Annexure-4)</b>
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### 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 details of the amount spent on the tour & travel of the Hon'ble President, CESTAT, from 01.04.2013 till the date of providing the information.*
  - (B) *Please provide dates on which the LTC has been availed by the Hon'ble President, CESTAT, from March, 2013 till the date of providing the information.*
  - (C) *Please provide datewise details of all tours including official tours taken by Hon'ble Mr. Justice Goda Raghuram, President CESTAT, from April, 2013 till the date of providing the information.*
  - (D) *Please provide datewise details for the period during which Hon'ble Mr. Justice Goda Raghuram has been out of Headquarter either on official tours or otherwise including on Saturdays, Sundays and on other holidays. Form March 2013 till date of providing the information. Please also intimate whether the request for his station leave has been intimated to the Ministry of Finance when President has been out of Delhi except on official tours.*
  - (E) *Please provide datewise details of all the leaves (including LTC, station leave, half pay leave, casual leave, earned leave and Medical leave) availed by Hon'ble Mr. Justice Goda Raghuram from the date of joining CESTAT till the date of providing the information. Please provide details in relation to each type of leaves separately. Please also intimate the date in which the application for each leave has been forwarded to M/o Finance.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the

CPIO in question.

- (3) That Shri Rajender Prasad, Accounts Officer/CPIO, has deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

#### **GROUND OF APPEAL**

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the CPIO has not provided complete and correct information inasmuch as complete information has not been provided for Point (A), (C), (D) & (E) of the RTI Application. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That in relation to Point (A), the CPIO has merely provided only inspection of one file, whereas he has not provided the details of the amount spent on the tour and travel of the Hon'ble President, CESTAT from 1-4-2013 till the date of providing the information. Mere offering one file for inspection is not substitute of providing the specific information as sought by the appellant. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (5) That the Shri A. Mohan Kumar, Registrar and Deemed CPIO, has not provided the information as sought in Point (C) & (D) of the RTI Application despite it having been transferred / forwarded to him. The Registrar and the Deemed CPIO is deliberately and malafidely withholding the information without any reasonable cause and is, therefore, be directed to provide the information within time bound frame.
- (6) That Shri Mukesh Gupta – Assistant Registrar (Admn.), Deemed CPIO,

deliberately and malafidely neither provided complete nor up-to-date information, as sought in Point (E) of the RTI Application. He has not provided details when each of the leave application of Hon'ble President was forwarded to the Ministry of Finance. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

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

#### PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.

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



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

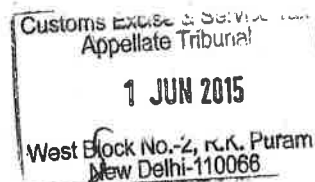
Place : New Delhi  
Dated : 30-06-2015

Ref. No. :RTI/P-195/9091/15

Dated : 30-5-2015

To

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



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide details of the amount spent on the tour &amp; travel of the Hon'ble President, CESTAT, from 01.04.2013 till the date of providing the information.</p> <p>(B) Please provide dates on which the LTC has been availed by the Hon'ble President, CESTAT, from March, 2013 till the date of providing the information.</p> <p>(C) Please provide datewise details of all tours including official tours taken by Hon'ble Mr. Justice Goda Raghuram, President CESTAT, from April, 2013 till the date of providing the information.</p> <p>(D) Please provide datewise details for the period during which Hon'ble Mr. Justice Goda Raghuram has been out of Headquarter either on official tours or otherwise including on Saturdays, Sundays and on other holidays from March 2013 till date of providing the information. Please also intimate whether the request for his station leave has been intimated to the Ministry of Finance when President has been out of Delhi except on official tours.</p> <p>(E) Please provide datewise details of all the leaves (including LTC, station leave, half pay leave, casual leave, earned leave and Medical leave) availed by Hon'ble Mr. Justice Goda Raghuram from the date of joining CESTAT till the date of providing the information. Please provide details in relation to each type of leaves separately. Please also intimate the date in which the application for each leave has been forwarded to M/o Finance.</p>

3 weeks

provided

3 weeks from receipt of the info.

Do



7

	Note:-Please provide point-wise information/ response for each of above points.
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 26F 000486 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.	As per Section 7 of the RTI Act, 2005 information is to be provided <b>within 30 days of the Application.</b>



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

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

(8)

**ANNEXURE- 2**

F.No...10-47.../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. 10-47/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9091/2015 dated  
30/5/15 (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. 9091/15 dated 30/5/15 CPIO ID No 10-47/15 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 OM No.12/31/2013-IR  
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

  
(Rajender Prasad)  
Accounts Officer/CPIO

To  
1 Registrar, CESTAT, N.D.  
2 AR (Admin) CESTAT New Delhi  
3 AO CESTAT N.D.  
4 Computer Section for website

Copy for information to:—

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

V-14276  
Cust File

dc

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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

9  
**ANNEXURE-3**

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

RTI/P-195/9091/15/R14937  
08-06-2015

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

**Sub: My RTI Application No. RTI/9091/15, dated 1/6/2015**

Dear Sir,

This refers to the letter F.No.10-47/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]

**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

09 JUN 2015



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

RTI/P-195/9091/15/R14936  
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/9091/15, dated 1/6/2015**

Dear Sir,

This refers to the letter F.No.10-47/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]

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.

ANNEXURE-4 (11)

Dated : 18.06.2015

To

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

Subject : Information sought under RTI Act 2005 - regarding

Sir,

In reference to your letter F.No.10-47CESTAT/CPIO-ND/RP/2015(I.D.No 10-47/2015) dated 04.06.2015 and to say that information for point A pertains to this section as per RTI application and same is submitted as under :-

Point (A)

Applicant had inspected the record of Cash Section vide inspection note 683 dated 15.06.2015 and requested to supply photocopy of file No.52/CESTAT/Cash/Tour/2011-12 part I and part II page 86-179 and 264-406, 1-22 and 1-32. The same has already been supplied in RTI application ID No. 10-48/2015.

264-406, 1-22 and 1-32  
Encls as above

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.

Rajender Prasad  
Handwritten signature

Handwritten signature

**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.10-33(A)/CESTAT/FAA-SKM/2015  
CPIO ID NO.10-47/CESTAT/CPIO-RP/2015

Shri R.K. Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

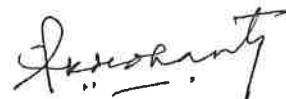
...Respondent

**Date of Hearing & Decision: 07.08.2015**

**ORDER No. 29/2015**

This appeal has been filed before this forum on the ground that the CPIO has not provided complete and correct information with regard to clauses (A), (C), (D) and (E) of the RTI application dated 1<sup>st</sup> June, 2015. In response to the appeal filed by the appellant, the CPIO submitted that the information with regard to clause (A) has already been provided to the applicant. With regard to clauses (C), (D) and (E), the CPIO submitted that the information shall be furnished within a period of 3 weeks from the date of receipt of this order. The appellant objected to the submission of the CPIO, stating that the information with regard to clause (A) is not complete and satisfactory.

2. Considering the above, and in view of the fact that the CPIO has no objection in submission of information with regard to clauses (A), (C), (D) and (E), I am of the opinion that the same can be furnished as undertaken during the course of hearing by the CPIO. Therefore, CPIO is directed to furnish the information to the applicant within a period of 3 weeks from the date of receipt of this order. The concerned officials are directed to co-operate with the CPIO in this regard, enabling submission of document to the applicant within specified time limit.



(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/ (9091/15) /Appeal/ 15758 dated 30.06.2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.
3. Office Copy

Appeal No. 10-34(A)/2015

①

Dy No. 2123/CE-15  
21/7/15

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

Ref. No. : RTI/P-537/(9092/15)/Appeal/15760

Dated : 2-7-2015

To

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



Smt. Angeli  
hpelly  
02/7/15

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name (1) Shri Rajender Prasad CPIO & Accounts Officer (2) Shri A. Mohan Kumar, Registrar and Deemed CPIO (3) Shri Mukesh Gupta - Assistant Registrar (Admn.), Deemed CPIO (4) Incharge - Computer Section & Deemed CPIO (b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	01-06-2015
3.	Details of the order appealed against	F.No.70/CESTAT/Accounts/RTI/2013-14 dated 18-6-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	18-7-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 30-5-2015. <b>(Annexure-1)</b> 2. Copy of CPIO's letter dated 4-6-2015.

16/RTI/SCM/15  
27/7/15

		<p><b>(Annexure-2)</b></p> <p>3. Copy of Appellant's reminder letter dated 8-6-2015. <b>(Annexure-3)</b></p> <p>4. Copy of Accounts Officer's letter dated 18-6-2015. <b>(Annexure-4)</b></p>
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### 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 date-wise details of Air/Rail tickets purchased/procured for the air travel/rail travel by CESTAT from 01-04-2013 till the date of providing the information.
- (B) Please provide copies of Bills received from Balmer Lawrie either for purchase/ procurement of tickets in credit/cash from 01-04-2013 till the date of providing the information and provide certified copies of those bills and list of bills which has not been paid so far.
- (C) Please provide certified copies of all tour proposals/requests whether approved or rejected, tour orders, tour programmes, itineraries and protocols requests in relation to Hon'ble President, Members, Registrar and for others staff members of CESTAT and including for Members' Conference held at Mumbai in 2015.
- (D) Please provide date-wise details of amount spent on tour and travel by CESTAT including for air tickets from 01-04-2013 till the date of providing the information.
- (E) Please provide details of amount spent by CESTAT for cancellation of air/rail tickets from 01-01-2013 till the date of providing the information.
- (F) Please provide date-wise details of cases where CESTAT has paid for the travel but journey has not been undertaken from the period 01-04-2013 till the date of providing the information.
- (G) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) to (F) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.
- (H) Please provide list of files and records from which the information as sought above is provided by you.



- (1) *Please provide copies of correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri 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 Shri A. Mohan Kumar, Registrar and Deemed CPIO, Shri Mukesh Gupta – Assistant Registrar (Admn.), Deemed CPIO and Incharge of the Computer Section, have deliberately and malafidely not provided any information though the RTI Application in question was forwarded and transferred to them on 4-6-2015. They may be directed to provide point-wise information to the appellant in time bound frame. They are liable for penal action for causing obstruction to the information without any reasonable cause. The appellant reserves his right to file direct complaint to the CIC, as the First Appellate Authority has no power to impose penalty.
- (4) That as per the various decisions of CIC and Delhi High Court, the CPIO

is required to file point-wise information. Despite such judicial pronouncements and clear statutory provisions, the CPIO and the Deemed CPIOs have deliberately and malafidely not provided point-wise information with a view to suppress the same and cause obstruction to the information without any reasonable cause.

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

#### **PRAYER**

Under the circumstances, the appellant prays as under:

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

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



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

Place : New Delhi  
Dated : 2-7-2015

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

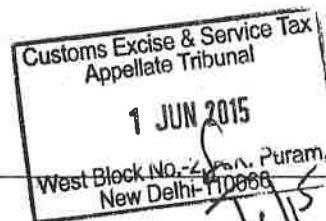
ANNEXURE- 1

Ref. No. :RTI/P-195/9092/15

Dated : 30-5-2015

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 date-wise details of Air/Rail tickets purchased/procured for the air travel/rail travel by CESTAT from 01-04-2013 till the date of providing the information. (B) Please provide copies of Bills received from Balmer Lawrie either for purchase/ procurement of tickets in credit/cash from 01-04-2013 till the date of providing the information and provide certified copies of those bills and list of bills which has not been paid so far. (C) Please provide certified copies of all tour proposals/requests whether approved or rejected, tour orders, tour programmes, itineraries and protocols requests in relation to Hon'ble President, Members, Registrar and for others staff members of CESTAT and including for Members' Conference held at Mumbai in 2015. (D) Please provide date-wise details of amount spent on tour and travel by CESTAT including for air tickets from 01-04-2013 till the date of providing the information. (E) Please provide details of amount spent by CESTAT for cancellation of air/rail tickets from 01-04-2013 till the date of providing the information. (F) Please provide date-wise details of cases where CESTAT has paid for the travel but journey has not been undertaken from the period 01-04-2013 till the date of providing the information.

To be  
furnished  
by the  
3 members.

- 20

7

	<p>(G) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) to (F) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>(H) Please provide list of files and records from which the information as sought above is provided by you.</p> <p>(I) Please provide copies of correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p><b>Note:-Please provide point-wise information/response for each of above points.</b></p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 26F 000480 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.	As per Section 7 of the RTI Act, 2005 information is to be provided <b>within 30 days of the Application.</b>



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

Place : New Delhi

Encl. : as above

Hire/---hk

(8)

ANNEXURE- 2

F.No. 10-48 /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. 10-48/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R. K. Jain  
Under RTI Act 2005 vide No. 9092/15 dated  
30.5.15 (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. 9092/15 dated 30.5.15 CPIO ID No 10-48/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 19/06/2015 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

  
(Rajender Prasad)  
Accounts Officer/CPIO

To

- 1 Registrar
- 2 AR CT Section
- 3 AO CESTAT ND
4. Computer Section for website

Copy for information to:-

✓ Sh. R. K. Jain,  
1512-B BHISKAM PITAMAH NAGAR,  
WAZIR NAGAR  
NEW DELHI - 110003.

V-14347

Copy File

dc

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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

ANNEXURE-3

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

RTI/P-195/9092/15/R14934  
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/9092/15, dated 1/6/2015

Dear Sir,

This refers to the letter F.No.10-48/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

dc

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

Central Excise Law Guide; Central Excise Tariff of India;  
Central Excise Law Manual; Customs Tariff of India;  
Customs Law Manual; Excise & Customs Circulars  
& Clarifications; Excise & Customs Case 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-195/9092/15/R14935  
08-06-2015

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

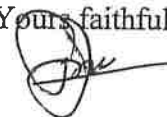
**Sub: My RTI Application No. RTI/9092/15, dated 1/6/2015**

Dear Sir,

This refers to the letter F.No.10-48/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]



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.

ANNEXURE- 4

(11)

Dated : 18.06.2015

To

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

Subject : Information sought under RTI Act 2005 - regarding

Sir,

In reference to your letter F.No.10-48/CESTAT/CPIO-ND/RP/2015(I.D.No 10-48/2015) dated 04.06.2015 and to say that information for point D pertains to this section as per RTI application and same is submitted as under :-

Point (D)

Applicant had inspected the record of Cash Section vide inspection note 683 dated 15.06.2015 and requested to supply photocopy of file as under :

Photocopy of file No.52/CESTAT/Cash/Tour/2011-12 part I and part II page 86-179 and 264-406 and 1-32 enclosed.

1-22

Yours faithfully,

94 + 143 + 22 + 32 = 291 pages  
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

Recd on 24/6/2015

and Date  
24/6/2015

**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. 10-34 (A)/CESTAT/ FAA-SKM/2015**  
**CPIO ID No. 10-48/CESTAT/CPIO-RP/2015**

Shri R.K.Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

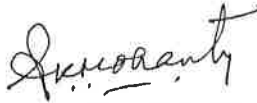
...Respondent

Date of Hearing/Decision: 07.08.2015

**ORDER No. 30/2015**

When the matter called for hearing, the CPIO informed that the information sought for vide clause (C) & (F) in the RTI application had already been forwarded to the applicant vide letter dated 24.06.2015 and 15.06.2015. However, the applicant submitted that the information furnished by the CPIO is not to his satisfaction.

2. Considering the above, I am of the view that the information can be furnished afresh by the CPIO. Therefore, the CPIO is directed to furnish the information to the appellant within a period of 3 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/(9092/15)/Appeal/15760 dated 02.07.2015
1. Shri Rajender Prasad, CPIO/Assistant Registrar, CESTAT, New Delhi.
2. Office Copy

*Amr G...*  
*21/9/15*

*OK*

2165/CR-15  
6/7/15

Appeal No. 10-35(A)/2015

①

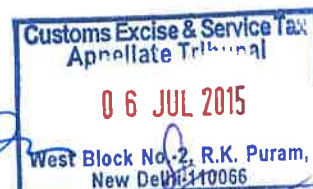
**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. : RTI/P-537/(9167/15)/Appeal/15759

Dated : 3-7-2015

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)	03-06-2015
3.	Details of the order appealed against	F.No.70/CETSAT/Accounts/RTI/2013-14 dated 18-6-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	18-7-2015
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. <b>(Annexure-1)</b> 2. Copy of CPIO's letter dated 4-6-2015. <b>(Annexure-2)</b> 3. Copy of Appellant's reminder letter dated 8-6-2015. <b>(Annexure-3)</b> 4. Copy of CPIO's letter dated 11-6-2015. <b>(Annexure-4)</b> 5. Copy of Accounts Officer's letter dated 18-6-2015. <b>(Annexure-5)</b>

11 RTI/STC/15  
6/7/15

### BRIEF 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 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 including station leave.*
  - (E) *Please provide the date-wise details of the station leave availed by Mrs. Archana Wadhwa while posted at Bangalore from 1-12-2014 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 not reporting on duty at Bangalore.*
  - (H) *Please provide tours and travels undertaken by Mrs. Archana Wadhwa from 1-1-2014 till the date of providing the information. Please provide copies of tour orders and the amount spent on each tour.*
  - (I) *Please provide details of the tour undertaken by Mrs. Archana Wadhwa from 8-12-2014 till date of providing the information and purpose of 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 provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

#### **GROUND OF APPEAL**

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the CPIO has not provided the complete and correct information in relation to points (C), (D) & (H) in relation to Mrs. Archana Wadhwa. 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 erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (5) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) That a personal hearing may be granted to the appellant before deciding the present appeal.

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

**PRAYER**

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi  
Dated : 3-7-2015

o/c

ANNEXURE-1

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

Ref. No. :RTI/P-195/9167/15

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

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 including station leave.</p> <p>(E) Please provide the date-wise details of the station leave availed by Mrs. Archana Wadhwa while posted at Bangalore from 1-12-2014 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>

CPID is directed to obtain the enclosures

	<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 not reporting on duty at Bangalore.</p> <p>(H) Please provide tours and travels undertaken by Mrs. Archana Wadhwa from 1-1-2014 till the date of providing the information. Please provide copies of tour orders and the amount spent on each tour.</p> <p>(I) Please provide details of the tour under taken by Mis. Archana Wadhwa form 8-12-2014 till date of providing the information and purpose of each tour.</p> <p><b>Note:-Please provide point-wise information/ response for each of above points.</b></p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 26F 027417 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 <b>within 30 days of the Application.</b>

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

Place : New Delhi  
Encl. : as above  
Hire/---

C + D + G + H



ANNEXURE-2 (7)

F.No. 10-61/...../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. 10-61/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9167/15 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. 9167/15 dated 03/06/15 CPIO ID No 10-61/15 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 20/6/2015 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 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. CPIO, CESTAT, Bangalore.

Copy for information to:-

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

V-44271

01c

8

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-195/9167/15/R14871

08 JUN 06-2015

Assistant Registrar (Admin) ~~1/20~~  
Customs, Excise & Service Tax Appellate Tribunal,  
West Block 2, R.K.Puram,  
New Delhi - 110066


**Sub: My RTI Application No. RTI/9167/15, dated 3/6/2015**

Dear Sir,

This refers to the letter F.No.10-61/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 20-6-2015. 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]

0/c

9

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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

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

**Wazir Nagar,**

**NEW DELHI - 110 003.**

**PHONE : 24693001-3004**

**MOBILE : 9810077977**

**Fax No. 011-24635243**

RTI/P-173/9167/15/R14872

08-06-2015

CPIO

Customs, Excise & Service Tax Appellate Tribunal

1st Floor, WTC Building,

FKCCI Complex, K.G.Road

Bangalore - 560009

Karnataka

**Sub: My RTI Application No. RTI/9167/15, dated 3/6/2015**

Dear Sir,

This refers to the letter F.No.10-61/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 20-6-2015. 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]

F.No. 10-61/CESTAT/CPIO-ND/RP/2015  
Customs Excise and Service Tax Appellate Tribunal  
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 11.06/2015  
ID No. 10-61/2015

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. 9167/2015 Dt. 03-06-20  
and our ID No. 10-61/15 The information received from AR (Admn)  
containing 63 pages is enclosed herewith for your reference  
please.

You are, Therefore, requested to please acknowledge the  
receipt and deposit Rs. 126/- (@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

I.D. No. 10-61/2015  
Dated : 10.06.15

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


Sir,

Kindly refer to Sh. R.K. Jain RTI application No. RTI/P-195/9167/15 dated 30.06.15 and CPIO letter No. 10-61/CESTAT/CPIO-ND/RP/2015 dated 04.06.15 wherein sought information relating to point 'A to I' under RTI Act 2005.

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

- Point A.** Ms. Archana Wadhwa, Member (Judicial) was transferred to CESTAT, Bangalore on 08.12.14 vide order dated 19.11.14. Relieved from CESTAT Delhi on 08.12.14 (A/N) & Joined CESTAT Bangalore on 15.12.14 (F/N). (Copies enclosed consisting of 03 pages).
- Point – B& C** Not pertaining to Administration Section, CESTAT, Delhi.
- Point – D & E -** Copies enclosed consisting of pages 1 to 58.
- Point – F** - Copies enclosed consisting of 02 pages.
- Point – G to I -** Not pertaining to Administration Section, CESTAT, Delhi.

Total (63 Pages)

  
(Mukesh Gupta)  
Assistant Registrar (Admn.)

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

sh. vpc  
10/6/15

(12)

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.

ANNEXURE-5

Dated : 18.06.2015

To

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

Subject : Information sought under RTI Act 2005 - regarding

Sir,

In reference to your letter F.No.10-61/CESTAT/CPIO-ND/RP/2015(I.D.No 10-61/2015) dated 04.06.2015 and to say that information for point H pertains to this section. As on date the same is as under:-

Amount spent on Tour & Travel by Mrs Archana Wadhwa, M(J) is Rs 46938/-.  
For the tour to Ahmedabad during the period from 02.09.2014 to 06.09.2014.

Yours faithfully,

1

(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.

*[Signature]*  
Accounts Officer

*Recd by Havel  
24/6/2015*

*Encl 1 file*

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

**Appeal No. 10-35 (A)/CESTAT/ FAA-SKM/2015**  
**CPIO ID No. 10-61/CESTAT/CPIO-RP/2015**

Shri R.K.Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing/Decision: 07.08.2015

**ORDER** No. 31/2015

In response to the appeal filed by the appellant for non receipt of the information sought for vide RTI application dated 3.6.2015 (SL. No. C, D, H), the CPIO submits that the matter had already been referred to the concerned section for submission of the information. However, he has undertaken to furnish the information/ documents within a period of 3 weeks.

2. Considering the above, the CPIO is directed to obtain the required information from the concerned section/ officers and furnish the same to the appellant within a period of 3 weeks from the date of receipt of this order. All concerned officials are directed to comply this order strictly, without any delay.

  
**(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/(9167/15)/Appeal/15759 dated 03.07.2015
1. Shri Rajender Prasad, CPIO/Assistant Registrar, CESTAT, New Delhi.
2. Office Copy

*Recd  
27/8*

*g/v*

2166/CR-15  
6/7/15

Appeal No. 10-36(A)/2015

①

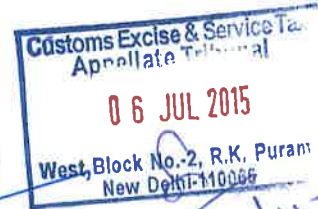
**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. : RTI/P-537/(9081/15)/Appeal/15789

Dated : 06-07-2015

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)	29-05-2015
3.	Details of the order appealed against	Letter F. No. 10-49/CESTAT/CPIO-ND/RP/2015, dated 29-6-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	29-7-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 29-5-2015. <b>(Annexure-1)</b> 2. Copy of CPIO letter dated 29-6-2015. <b>(Annexure-2)</b>

22  
14/5/16/RTI/15  
27/7/15



### BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 29-05-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- A) *Please provide the File No. in which the request for appointment of Lawyers to represent CPIO/Deemed CPIO and Appellate Authority of CESTAT before CIC in Case Nos. CIC/SS/A/2012/000802 & 1477, was considered in the year 2012.*
- B) *Please provide copies of all notesheets and correspondence pages of said file from 1-7-2012 till the date of providing the information.*
- C) *Please provide datewise details of the steps taken for the appointment of lawyer in the aforesaid cases or any other case relating to RTI by or on behalf of CESTAT or to represent the CESTAT from 1-7-2012 till date.*
- D) *Please provide copy of Letter/Reminders with Despatch Dairy No. sent to Finance Ministry/Law Ministry in relation to aforesaid appointment of Lawyers and also the copy of Letters received in this respect.*
- E) *Please provide copies of the opinions and orders of Ministry of Law on the issue of appointment of lawyer to represent CESTAT before the CIC.*
- F) *Please provide all notesheets and correspondence pages of RTI File for ID No. 07-145/12.*
- G) *After providing the above information, please provide inspection of the original files as referred to in point (A) & (E) 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, CPIO & Accounts Officer has deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

#### **GROUND OF APPEAL**

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the CPIO and the Deemed CPIO have deliberately and malafidely not provided complete and correct information. The appellant has sought information from the CESTAT as a public authority and not from the Administration section alone. Therefore the information may be obtained from other Sections and also from the office of the Registrar and President. If the information is held by any of the public authorities i.e. the Ministry of Finance or the Ministry of law, then this application may also be transferred to them.
- (4) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (5) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or

refused to the appellant.

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

**PRAYER**

Under the circumstances, the appellant prays as under:

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



Signature of Appellant

Telephone No. : 9810077977  
24651101

Fax No. 011-24635243

Place : New Delhi

Dated : 06-07-2015

o/c

ANNEXURE-1

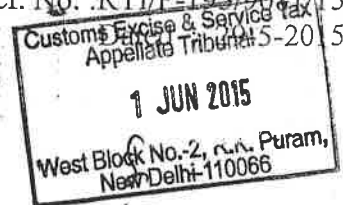
(5)

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

To


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

Ref. No. : RTI/P-195/0081/15



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>A) Please provide the File No. in which the request for appointment of Lawyers to represent CPIO/Deemed CPIO and Appellate Authority of CESTAT before CIC in Case Nos. CIC/SS/A/2012/000802 &amp; 1477, was considered in the year 2012.</p> <p>B) Please provide copies of all notesheets and correspondence pages of said file from 1-7-2012 till the date of providing the information.</p> <p>C) Please provide datewise details of the steps taken for the appointment of lawyer in the aforesaid cases or any other case relating to RTI by or on behalf of CESTAT or to represent the CESTAT from 1-7-2012 till date.</p> <p>D) Please provide copy of Letter/Reminders with Despatch Dairy No. sent to Finance Ministry/Law Ministry in relation to aforesaid appointment of Lawyers and also the copy of Letters received in this respect.</p> <p>E) Please provide copies of the opinions and orders of Ministry of Law on the issue of appointment of lawyer to represent CESTAT before the CIC.</p> <p>F) Please provide all notesheets and correspondence pages of RTI File for ID No. 07-145/12.</p>

	<p>G) After providing the above information, please provide inspection of the original files as referred to in point (A) &amp; (E) above.</p> <p><b>Note:-Please provide pointwise information/response for each of above points.</b></p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 21F 265379 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.	As per Section 7 of the RTI Act, 2005 information is to be provided <b>within 30 days of the Application.</b>

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

Place : New Delhi

Encl. : as above

Hira/---9081

F.No.10-49/ CESTAT/CPIO-ND/RP/2015  
Customs Excise and Service Tax Appellate Tribunal  
West Block No 2, R.K.Puram, New Delhi-110 066

Dated--29/6/15

ID No. 10-49/2015

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--9081/15--- Dt-29/5/15---  
and our ID No.10-49/2015 the information received from --AR (Adm.)  
containing --07--- 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

Encl:- 10-49

8

F.No.33(286)/RTI/Misc/CESTAT/ND/Admn-15  
Customs Excise & Service Tax Appellate Tribunal  
West Block-2, R.K. Puram , New Delhi-66

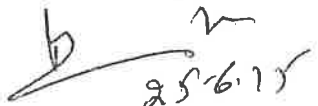
Dated : 11/06/2015

Sub Information sought under RTI Act 2005-reg.

Sir,

Kindly refer to CPIO letter No. 10-49/CESTAT/CPIO-ND/RP/2015 dated 04/06/2015 and Shri. R.K. Jain RTI application No. RTI/P-195/9081/2015 dated 29/05/2015, it is stated that as per available records the requisite information is not available in Admn Section.

This is for information.

  
(Mukesh Gupta)  
Assistant Registrar (Admn)

To,

1. Shri. Rajender Prasad, Accounts Officer/CPIO, New Delhi.

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

**Appeal No.10-36(A)/CESTAT/FAA-SKM/2015**  
**CPIO ID NO.10-49/CESTAT/CPIO-RP/2015**

Shri R.K. Jain

...Appellant

Vs.

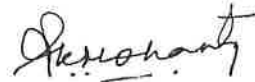
Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

**Date of Hearing/Decision: 07.08.2015**

**ORDER** *NS-32/2015*

During the course of hearing of appeal, the appellant submits that the information sought for has already been obtained and as such he wants to withdraw the appeal. In view of the above, 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/ (9081/15) /Appeal/ 15789 dated 06.07.2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.
3. Office Copy



Appeal No. 10-37(CA)/2015

①

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

Ref. No. : RTI/P-537/(9136/15)/Appeal/15859

Dated : 16-07-2015

To

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

17 JUL 2015

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	02-06-2015
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	2-8-2015
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 2-6-2015.(Annexure-1) 2. Copy of CPIO's letter dated 4-6-2015.(Annexure-2) 3. Copy of Appellant's letters dated 8-6-2015.(Annexure-3)

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 02-06-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) Please provide inspection of the following records and Registers for the years 2013 to 2015. As per the CESTAT website, these records are maintained at CESTAT, New Delhi*
- (i) Misc. Correspondence Register (Admn. Section)*
  - (ii) Medical Permission Register (Admn. Section)*
  - (iii) Authorised Medical Attendant Register (Admn. Section)*
  - (iv) President/VP/Members Tour Orders File (Registrar Office)*
  - (v) Monthly Expenditure Register (Accounts/Cash Section)*
  - (vi) Notice Despatch Register (Excise Appeal Branch)*
  - (vii) File Movement Register(Excise Appeal Branch)*
  - (viii) Transfer of Appeal Register(Excise Appeal Branch)*
  - (ix) Guard File (Customs Appeal Branch)*
  - (x) Misc. Order Register for Customs(Customs Appeal Branch)*
  - (xi) Misc. Order Register for Service Tax(Customs Appeal Branch)*
  - (xii) Transfer Register (Inward/Outward) (Customs Appeal Branch)*
  - (xiii) Movement Register (Customs Appeal Branch)*
  - (xiv) Movement Register (Single Member Appeal Branch)*
  - (xv) Guard File (Single Member Appeal Branch)*
  - (xvi) Requisition for File Register (Weeding Out Section Register)*
- (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 4-6-2015 (**Annexure-2**) of CPIO to various deemed CPIOs. The Appellant vide letters dated 8-6-2015 (**Annexure-3**) requested the said authorities to provide the desired

information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

### **GROUND OF APPEAL**

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

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

**PRAYER**

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi  
Dated : 16-07-2015

o/c

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

ANNEXURE-1

Ref. No. :RTI/P-195/9136/15

Dated : 2-6-2015

To

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

02 JUN 2015

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide inspection of the following records and Registers for the years 2013 to 2015. As per the CESTAT website, these records are maintained at CESTAT, New Delhi  ✓(i) Misc. Correspondence Register (Admn. Section) (ii) Medical Permission Register (Admn. Section) ✓(iii) Authorised Medical Attendant Register (Admn. Section) (iv) President/VP/Members Tour Orders File (Registrar Office) ✓(v) Monthly Expenditure Register (Accounts/Cash Section) (vi) Notice Despatch Register (Excise Appeal Branch) (vii) File Movement Register(Excise Appeal Branch) (viii) Transfer of Appeal Register(Excise Appeal Branch) (ix) Guard File (Customs Appeal Branch) (x) Misc. Order Register for Customs(Customs Appeal Branch) (xi) Misc. Order Register for Service Tax(Customs Appeal Branch) (xii) Transfer Register (Inward/Outward) (Customs Appeal Branch)

6

		(xiii) Movement Register (Customs Appeal Branch) (xiv) Movement Register (Single Member Appeal Branch) (xv) Guard File (Single Member Appeal Branch) (xvi) Requisition for File Register (Weeding Out Section Register) <b>Note:-Please provide point-wise information/ response for each of above points.</b>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 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. 25F 999747 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided <b>within 30 days of the Application.</b>	

Place : New Delhi

Encl. : as above

Him/—hk

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

F.No. 10-54...../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. 10-54/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9136/2015 dated  
02/6/15 (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. 9136/15 dated 02/6/15 CPIO ID No 10-54/15 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 OM No.12/31/2013-IR  
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

  
(Rajender Prasad)  
Accounts Officer/CPIO

- To Registration, CESTAT, N.D.
- 1 AR (Admin) CESTAT New Delhi
  - 2 AO CESTAT N.D.
  - 3 AR Excise/Customs & Warehousing / SM.

Copy for information to:-

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

No 1427/  
10/11/15

**R.K. JAIN**

M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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

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

**Sub: Mv RTI Application No. RTI/9136/15, dated 2/6/2015**

Dear Sir,

This refers to the letter F.No.10-54/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-3

8

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

RTI/P-195/9136/15/R14893  
08 JUN 2015





O/c (9)

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

**President, Excise and Customs Bar Association**

*Editor of*

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

*and author of*

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

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

**Wazir Nagar,**

**NEW DELHI - 110 003.**

**PHONE : 24693001-3004**

**MOBILE : 9810077977**

**Fax No. 011-24635243**

RTI/P-1989136/15/R14889

08-06-2015

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

**Sub: My RTI Application No. RTI/9136/15, dated 2/6/2015**

Dear Sir,

This refers to the letter F.No.10-54/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 (10)  
**R.K. JAIN** M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

Central Excise Law Guide; Central Excise Tariff of India;  
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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-195/9136/15/R14888

08 JUN 2015-06-2015  
Jain

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

**Sub: My RTI Application No. RTI/9136/15, dated 2/6/2015**

Dear Sir,

This refers to the letter F.No.10-54/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]

01/ (11)

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

President, Excise and Customs Bar Association

Editor of

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book of Foreign Trade Policy & Procedures

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

RTI/P-195/9136/15/R14885  
08 JUN 2015  
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/9136/15, dated 2/6/2015**

Dear Sir,

This refers to the letter F.No.10-54/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]

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

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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-195/9136/15/R14892  
08-06-2015

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


Sub: My RTI Application No. RTI/9136/15, dated 2/6/2015

Dear Sir,

This refers to the letter F.No.10-54/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]

**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.10-37(A)/CESTAT/FAA-SKM/2015  
CPIO ID NO.10-54/CESTAT/CPIO-RP/2015

Shri R.K. Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing/Decision: 07.08.2015

ORDER No. 33/2015

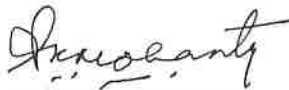
In this appeal, the grievance of the appellant is that the inspection of various documents as sought for vide RTI application dated 2<sup>nd</sup> June, 2015 has not been granted/acceded to by the CPIO.

2. I find from the available records that the CPIO has already forwarded the RTI application under his communication to various Section/Officers viz. Registrar/Assistant Registrar (Admn.)/Accounts Officer /Assistant Registrar (Customs)/ Assistant Registrar (Excise) of Single Member Bench for making required documents available for inspection by the appellant. However, the Officers have not responded to the communication of the CPIO, except Accounts Officer and Assistant Registrar (Admn.), who had furnished the required information.

3. In view of above, all the concerned Officials are directed to make available the documents/records for inspection by the appellant within a period of 3 weeks from the date of <sup>receipt of</sup> this order and <sup>any</sup> to intimate the date of inspection to the appellant well in advance. This order is required to be strictly implemented by the concerned officials.

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/ (9136/15) /Appeal/. 15859 dated 16.07.2015.
2. Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi.

  
(S.K. MOHANTY)  
APPELLATE AUTHORITY

Appeal No. 10-38(A)/2015

①

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

Ref. No. : RTI/P-537/(9094/15)/Appeal/15851

Dated : 16-07-2015

To

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

17 JUL 2015

9/7/15

**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)	01-06-2015	
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	30-7-2015	
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 30-5-2015. <b>(Annexure-1)</b> 2. Copy of CPIO's letter dated 4-6-2015. <b>(Annexure-2)</b> 3. Copy of Appellant's 3 letters dated 8-6-2015. <b>(Annexure-3)</b>	

5/RTI/5/14/15  
5/14/15

**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 list of the cases referred by the various Benches of CESTAT for constitution of Larger Benches from 1-7-2014 till the date of providing the information and also indicate the Order No. and Date under which cases referred to the President for constitution of Larger Bench. Please also provide copy of the relevant order referring the matter to Larger Bench.*
  - (B) *Please provide date-wise details of the action taken in each matter, as referred in Point (A) above, and copies of the note(s) put up by the Registry/Registrar and copy of the Order of the Hon'ble President, CESTAT including the composition of the Larger Bench. Please also provide copies of all the notesheets prepared by the Registrar / Registry and the orders, if any, passed thereon.*
  - (C) *Please provide details of the cases in which the Larger Bench has been constituted but hearings not held as on 01.06.2015.*
  - (D) *Please provide the details in which reference for Larger Bench has been made but no Larger Bench has so far been constituted as on 01.06.2015. Please also intimate the date in relation to each case where Larger Bench has not been constituted.*
  - (E) *Please provide the list of the cases which have already been ordered for constitution of Larger Benches with date of hearing and composition of Bench from 1-7-2014 till the date of providing the information.*
  - (F) *Please provide the file numbers in which the matter relating to the Larger Bench are dealt with in the year 2013, 2014 & 2015 and also provide copies of all the notesheets from the said files for the year 2014 & 2015.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the

knowledge of the appellant, the information pertains to the Office of the CPIO in question.

- (3) That the appellant received letter dated 4-6-2015 (**Annexure-2**) of CPIO to Registrar, AR (Customs & ST) & AR (AD/Excise) The Appellant vide letters dated 8-6-2015 (**Annexure-3**) requested the said authorities to provide the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

#### **GROUNDS OF APPEAL**

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of Shri Rajender Prasad, CPIO & Accounts Officer 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 : 16-07-2015

o/c

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

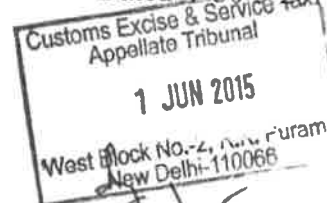
ANNEXURE-1

Ref. No. : RTI/P-195/9094/15

Dated : 30-5-2015

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 list of the cases referred by the various Benches of CESTAT for constitution of Larger Benches from 1-7-2014 till the date of providing the information and also indicate the Order No. and Date under which cases referred to the President for constitution of Larger Bench. Please also provide copy of the relevant order referring the matter to Larger Bench.</p> <p>(B) Please provide date-wise details of the action taken in each matter, as referred in Point (A) above, and copies of the note(s) put up by the Registry/Registrar and copy of the Order of the Hon'ble President, CESTAT including the composition of the Larger Bench. Please also provide copies of all the notesheets prepared by the Registrar / Registry and the orders, if any, passed thereon.</p> <p>(C) Please provide details of the cases in which the Larger Bench has been constituted but hearings not held as on 01.06.2015.</p> <p>(D) Please provide the details in which reference for Larger Bench has been made but no Larger Bench has so far been constituted as on 01.06.2015. Please also intimate the date in relation to each case where Larger Bench has not been constituted.</p> <p>(E) Please provide the list of the cases which have already been ordered for constitution of Larger Benches with date of hearing and composition of Bench from 1-7-2014 till the date of providing the information.</p>

6

		(F) Please provide the file numbers in which the matter relating to the Larger Bench are dealt with in the year 2013, 2014 & 2015 and also provide copies of all the notesheets from the said files for the year 2014 & 2015. <b>Note:-Please provide point-wise information/ response for each of above points.</b>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 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 000481 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided <b>within 30 days of the Application.</b>	



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

Place : New Delhi

Encl. : as above

Hira/---hk

F.No....10-46...../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. 10-46/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9094/15 dated  
30/5/15 (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. 9094/15 dated 30/5/15 CPIO ID No 10-46/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 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 OM No.12/31/2013-IR  
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

  
(Rajender Prasad)  
Accounts Officer/CPIO

To

- 1 Registrar, AR Customs/Excise, STAD
- 2 Computer Section for website
- 3 \_\_\_\_\_

Copy for information to:-

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

V-14275

Encl 11.

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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



09 JUN 2015

ANNEXURE-3

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

RTI/P-195/9094/15/R14946  
08-06-2015

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

Sub: My RTI Application No. RTI/9094/15, dated 1/6/2015

Dear Sir,

This refers to the letter F.No.10-46/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]

**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

09 JUN 2015

ANNEXURE

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

RTI/P-195/9094/15/R14947  
08-06-2015

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

Sub: Mv RTI Application No. RTI/9094/15, dated 1/6/2015

Dear Sir,

This refers to the letter F.No.10-46/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]

*o/c*

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

President, Excise and Customs Bar Association

Editor of

**EXCISE LAW TIMES & SERVICE TAX REVIEW**

and author of

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

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-195/9094/15/R14945  
08-06-2015

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

**Sub: Mv RTI Application No. RTI/9094/15, dated 1/6/2015**

Dear Sir,

This refers to the letter F.No.10-46/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]

**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. 10-38 (A)/CESTAT/ FAA-SKM/2015**  
**CPIO ID No. 10-46/CESTAT/CPIO-RP/2015**

Shri R.K.Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing/decision: 07.08.2015

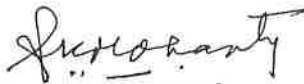
**ORDER No. 34/2015**

The facts of this case are that the appellant vide his letter dated 30.05.2015 has sought for certain information from the CPIO, which were not furnished completely within the stipulated time frame prescribed under the RTI statute.

2. Pursuant to the appeal filed by the appellant, the CPIO informed this forum that the matter has been referred to the concerned officials of the Tribunal i.e. Registrar, A.R.- Customs & A.R.- Excise for submission of the information sought for in the RTI application by the applicant. It is his submission that excepting the information from A.R.- Excise, the information have not been received from the other officials.

3. In view of above, the CPIO is directed to obtain the information from the concerned section and submit the same to the appellant within a period of 3 weeks from the date of receipt of this order.

4. The Registrar and AR Customs are directed to comply 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/(9094/15)A/15.9.8.1.. dated 16.1.2015
1. Shri Rajender Prasad, CPIO/Assistant Registrar, CESTAT, New Delhi.
2. Office Copy



Appeal No. 10-39(A)/2015

①

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

Ref. No. : RTI/P-537/(9090/15)/Appeal/15850

Dated : 16-07-2015

To

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

17 JUL 2015

17/7

**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		
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	30-7-2015	
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 30-5-2015. <b>(Annexure-1)</b> 2. Copy of CPIO's letter dated 4-6-2015. <b>(Annexure-2)</b> 3. Copy of Appellant's letter dated 8-6-2015. <b>(Annexure-3)</b>	

4/RTI/Scm/15  
17/7/15

### 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 datewise details of all types of tours whether official or otherwise taken when Shri A. Mohan Kumar, Registrar, CESTAT has also accompanied the Hon'ble President. Please also provide datewise details of all types of leaves availed by Hon'ble Mr. Justice Goda Raghuram simultaneously when Shri A. Mohan Kumar, Registrar, CESTAT had also been on leave. This information may be provided from 01.01.2014 till the date of providing the information.*
  - (B) *Please provide datewise details when both Hon'ble Mr. Justice Goda Raghuram and Shri A. Mohan Kumar, Registrar, CESTAT has simultaneously been not available at New Delhi from 01.01.2014 till date of providing information.*
  - (C) *Please provide dates for which the station leave has been applied by the Hon'ble President and Shri A. Mohan Kumar, Registrar, CESTAT, from April, 2013 till date. The information for station leave may be provided for Saturdays, Sundays and other holidays also.*
  - (D) *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 4-6-2015 (**Annexure-2**) of CPIO to AR (Admn.) The Appellant vide letter dated 8-6-2015 (**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 Shri Rajender Prasad, CPIO & Accounts Officer 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 : 16-07-2015

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

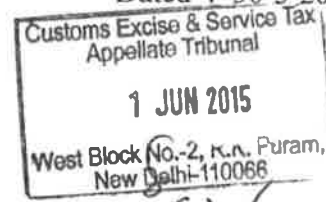
ANNEXURE-1

Ref. No. :RTI/P-195/9090/15

Dated : 30-5-2015

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 datewise details of all types of tours whether official or otherwise taken when Shri A. Mohan Kumar, Registrar, CESTAT has also accompanied the Hon'ble President. Please also provide datewise details of all types of leaves availed by Hon'ble Mr. Justice Goda Raghuram simultaneously when Shri A. Mohan Kumar, Registrar, CESTAT had also been on leave. This information may be provided from 01.01.2014 till the date of providing the information.</p> <p>(B) Please provide datewise details when both Hon'ble Mr. Justice Goda Raghuram and Shri A. Mohan Kumar, Registrar, CESTAT has simultaneously been not available at New Delhi from 01.01.2014 till date of providing information.</p> <p>(C) Please provide dates for which the station leave has been applied by the Hon'ble President and Shri A. Mohan Kumar, Registrar, CESTAT, from April, 2013 till date. The information for station leave may be provided for Saturdays, Sundays and other holidays also.</p> <p>(D) Please provide list of files from which the information as sought above is provided by you</p>

Transferred  
to Admin.  
No response

I was

6

	<b>Note:-Please provide pointwise information/ response for each of above points.</b>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 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 000458 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 <b>within 30 days of the Application.</b>



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

Place: New Delhi

Encl.: as above

Hiru/—

GK

F.No...10-45...../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...10-45/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9890/15 dated  
30/5/15 (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. 9890/15 dated 30/5/15 CPIO ID No 10-45/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 19/06/2015 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

  
(Rajender Prasad)  
Accounts Officer/CPIO

To

- 1 AP (Admin)
- 2 Computer Section for website
- 3 \_\_\_\_\_

Copy for information to:-

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

**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

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-195/9090/15/R14940  
08-06-2015

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

Sub: Mv RTI Application No. RTI/9090/15, dated 1/6/2015

Dear Sir,

This refers to the letter F.No.10-45/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]



**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.10-39(A)/CESTAT/FAA-SKM/2015**  
**CPIO ID NO. 10-45/CESTAT/CPIO-RP/2015**

Shri R.K.Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing/Decision: 10.08.2015

**ORDER No- 35/2015**

The applicant has filed this appeal for non-receipt of specific information as sought for vide RTI application dated 30.05.2015. During the course of hearing, the CPIO informed this forum that the information sought for by the applicant has already been forwarded under the cover of his letter dated 06.08.2015. The CPIO further submitted that since information sought for were forwarded with the reference of CESTAT, CPIO ID No., there was confusion regarding non-receipt of information.

2. During the course of hearing the appeal, Shri R.K. Jain submitted that since information provided super-scribing CPIO's ID No., which is not accessible to the applicant, information furnished as claimed by the CPIO, cannot be construed as complete.

3. Considering the fact that the information sought for has not been received by the appellant to his satisfaction, I direct the CPIO to furnish the information once again 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-537/ (9090/15) /Appeal/ 15850 dated 16.07.2015.
2. Shri Rajender Prasad, CPIO/Assistant Registrar, CESTAT, New Delhi.
3. Office Copy

*Recd*  
*2/8/15*  
*S.K. Mohanty*

Reg. No. 235/ex-15  
21/7/15

Appeal No. 10-40(A)/2015

①

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

Ref. No. : RTI/P-537/(9213/15)/Appeal/15837

Dated : 17-07-2015

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)	04-06-2015	
3.	Details of the order appealed against	F. No. 10-68/CESTAT/CPIO-ND/RP/2015 dated 1-7-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	1-8-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 4-6-2015. <b>(Annexure-1)</b> 2. Copy of CPIO letter dated 1-7-2015. <b>(Annexure-2)</b>	

9/RTI/5837/15  
21/7/15

2

### BRIEF FACTS OF THE CASE

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

- (A) *Please provide Digital copy of the Supplementary Cause List of Delhi Benches from 01.01.2014 till the date of providing the information. A Postal Order No.79G 498746 of Rs. 50/- is enclosed being fee for supplying the information on CD/DVD. Please note that all Supplementary Cause Lists are not displayed on the website, hence, this request.*
- (B) *Please provide list of all the files relating to tour and travel of CESTAT personnel for the years 2013, 2014 and 2015. Please provide copies of all the note sheets of the said file for the year 2014 and 2015. After providing the said copies, please also provide inspection of all the files and records relating to tour and travel including expenses incurred thereon.*
- (C) *Please provide inspection of the Roaster File for the years 2014 and 2015.*
- (D) *Please provide date-wise details of the action taken on the representations received from Shri J.K. Mittal Advocate. Please also intimate the file Nos. in which the said representations have been dealt with and provide copies of all the note sheets.*
- (E) *Please provide date-wise details of the leave (all types including station leave and LTC) taken by Shri Rajendra Prasad, Accounts Officer, from 1-1-2013 till the date of providing the information.*
- (F) *Please provide copies of the FAA's Orders of CESTAT New Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore from 1-1-2014 till the date of providing the information. Orders except those pertaining to the applicant i.e. Shri R.K. Jain, may only be provided.*

*(G) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.*

*(H) Please provide Daily Diary and Dak Diary/regular of, Shri Rakesh Kumar, Member (Technical), Smt. Archana Wadhwa, Member (Judicial) and Shri R.K. Singh, Member (Technical) from 1-1-2014 till the date of providing the information for CESTAT, Delhi*

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri 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 and the Deemed CPIO has wrongly denied the information as sought in point (H) of the RTI application on the ground that Shri R.K. Singh did not exist in the organization from 1-1-2014. The appellant understands that Shri R.K. Singh joined CESTAT in May, 2014 and is still continuing, therefore the information in respect to Shri R.K. Singh should have been provided by the CPIO. Therefore, the order of the CPIO is

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

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

#### PRAYER

Under the circumstances, the appellant prays as under:

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

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



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

Place : New Delhi  
Dated : 17-07-2015

HC

ANNEXURE-1

6

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

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

Dated : 4-6-2015

To

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

04 JUN 2015

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

4  
B weeks

4  
B weeks

	<p>(F) Please provide copies of the FAA's Orders of CESTAT New Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore from 1-1-2014 till the date of providing the information. Orders except those pertaining to the applicant i.e. Shri R.K. Jain, may only be provided.</p> <p>(G) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>(H) Please provide Daily Diary and Dak Diary/Regular of Shri Rakesh Kumar, Member (Technical), Smt. Archana Wadhwa, Member (Judicial) and Shri R.K. Singh, Member (Technical) from 1-1-2014 till the date of providing the information for CESTAT, Delhi</p> <p><b>Note:-Please provide point-wise information/response for each of above points.</b></p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 26F 027437 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	As per Section 7 of the RTI Act, 2005 information is to be provided <b>within 30 days of the Application.</b>

7

Part  
informing  
received.  
\*(4/4/2014)

*[Signature]*

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

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

From the date &  
jointly till date, all  
information to be provided.



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

Dated-1/7/15

ID No. 10-68/2015

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. 9213/15 Dt. 4/6/15  
and our ID No. 10-68/2015. The information received from -----  
containing 04 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

9

To

The CPIO,  
CESTAT,  
New Delhi

Sub: Information sought under RTI Act, 2005.

Sir,

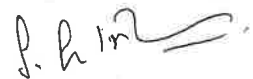
Please refer to your letter No.10-68/CESTAT/CPIO-ND/RP/2015, dated 08-06-2015.

2. In response to the information called for under Para-4 of the RTI Application dated 08.06.2015 forwarded by the CPIO, the answers in respect of Para 4(A) to (H) are as under:-

- (i) The information called for in respect of Para 4(A) to (G) is not related to Hon'ble Shri R.K. Singh, Member (Technical).
- (ii) It is informed that the details relating to Para 4(H) is that we are unable to provide the requisite information from 01.01.2014 because Hon'ble Shri R.K. Singh did not exist in this organization on that date.

Thanking you,

Yours faithfully,



(S. Senthil Kumaran)  
Sr. P.S. to Member  
22 June, 2015

sh vpc  
hyd  
22/6/15

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

Shri R.K.Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing/Decision: 10.08.2015

**ORDER No. 36/2015**

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

2. Heard both the sides.

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

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

Copy to:-

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

  
(S.K. MOHANTY)  
APPELLATE AUTHORITY