

Appeal - 04-11(A)/2014

①

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

Ref. No. : RTI/P-537/(7994/14)/Appeal/15070

Dated : 03-05-2014

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 Rajinder Prasad, CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, 2, West Block, R.K. Puram New Delhi - 110066
	Date of submission of application (Copy of application attached)		25-03-2014
3.	Details of the order appealed against		
4.	Prayer or relief sought		See Prayer clause at the end
5.	Last date for filing the appeal		25-5-2014
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time		Appeal in time
7.	Copies of documents relied upon by the applicant		(1) Copy of RTI application dated 25-3-2014. (Annexure-1) (2) Copy of CPIO's letter dated 9-4-2014. (Annexure-2) (3) Copy of Appellant's reminders letters dated 11-4-2014. (Annexures-3 to 6)

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 25-03-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide copies of all note sheets relating to tour orders from 01-01-2013 till the date of providing the information, including copies of all correspondence including tour orders.*
 - (B) *Please provide copies of all note sheets relating to the roster orders issued from 1-4-2013 and copies of all correspondence pages except roster orders.*
 - (C) *Please provide copies of all tour programmes of the Hon'ble President of the CESTAT along with copies of all note sheets, correspondence pages, tickets, protocol letters, boarding passes, exchange coupons given to Air India, bills and payment vouchers from 01.03.2013 till the date of providing the information.*
 - (D) *Please provide copies of all tour programmes of the Registrar, CESTAT along with copies of all note sheets, correspondence pages, tickets, protocol letters, boarding passes, exchange coupons given to Air India, bills and payment vouchers from 01.12.2012 till the date of providing the information.*
 - (E) *Please provide inspection of all files, records, documents, note sheets, memorandums, registers, diaries, in which the above referred information is also contained or relates to.*
 - (F) *Please provide list of files from which the information as sought above is provided by you*
 - (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.*
- (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 9-4-2014 (**Annexure-2**) of the CPIO, CESTAT, New Delhi to various deemed CPIOs. The Appellant vide letters dated 11-4-2014 (**Annexures-3 to 6**) 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 Rajinder Prasad, CPIO, CESTAT, New Delhi 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 : 03-05-2014

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

Ref. No. :RTI/P-196/7994/14

Dated : 25-3-2014

To

Shri R.C.George,
CPIO & Assistant Registrar,
Customs Excise & Service Tax Appellate Tribunal,
3rd, 4th & 5th Floor, Jai Centre,
34, P.D.Mello Road, Poona Street, Masjid (E),
Mumbai - 400009

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide copies of all note sheets relating to tour orders from 01-01-2013 till the date of providing the information, including copies of all correspondence including tour orders.</p> <p>(B) Please provide copies of all note sheets relating to the roster orders issued from 1-4-2013 and copies of all correspondence pages except roster orders.</p> <p>(C) Please provide copies of all tour programmes of the Hon'ble President of the CESTAT along with copies of all note sheets, correspondence pages, tickets, protocol letters, boarding passes, exchange coupons given to Air India, bills and payment vouchers from 01.03.2013 till the date of providing the information.</p> <p>(D) Please provide copies of all tour programmes of the Registrar, CESTAT along with copies of all note sheets, correspondence pages, tickets, protocol letters, boarding passes, exchange coupons given to Air India, bills and payment vouchers from 01.12.2012 till the date of providing the information.</p> <p>(E) Please provide inspection of all files, records, documents, note sheets, memorandums, registers, diaries, in which the above referred information is also contained or relates to.</p> <p>(F) Please provide list of files from which the information as sought above is provided by you</p>

To be provided within two weeks

		(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. 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. 21F 989350 for Rs. 10 towards payment of fee is enclosed herewith.	

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

Place : New Delhi
Encl. : as above

Hira/—7994
ASN

RL LODHI ROAD HD 110003
A: R1034336373314
Counter No.1, CP-Code:PHONE
To: R C GEROME, CPID
MUMBAI, PIN:400009
From: RK JAIN, NEW DELH
Wt:20grams,
FR:22.00, 26/03/2014, 12:45
<<Have a nice day>>



RTI/P-196/7994/14

F.No. 09-50...../CESTAT/CPIO-ND/RP/2014
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 09/07/14ID No. 09-50/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 7994/14 dated
25/3/14 (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. 7994/14 dated 25/3/14 CPIO ID No 09-50/2014 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 22/4/14 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
- 2 AR, Admn. SCT
- 3 SPS to Hon'ble President, CESTAT, New Delhi

Copy for information to:-

Sh R.K. Jain

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

8574
3-8574

O/C

ANNEXURE-3
TIME BOUND
RTI
(8)

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

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

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

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

RTI/P-195/7994/14/R1045
11-04-2014
Customs Excise & Service Tax
Appellate Tribunal
West Block No.-2, R.K. Puram
New Delhi-110066
15/4/14

Sub: My RTI Application No. RTI/7994/14, dated 25/3/2014

Dear Sir,

This refers to the letter ID No.09-50/2014 dated 9-4-2014 of Mr. Rajender Prasad, CPIO & Accounts Officer, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

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

Sub: My RTI Application No. RTI/7994/14, dated 25/3/2014

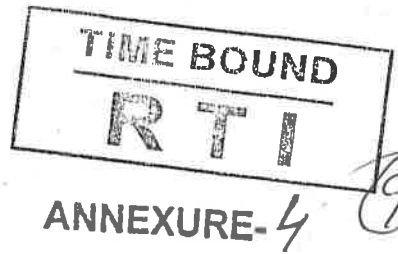
Dear Sir,

This refers to the letter ID No.09-50/2014 dated 9-4-2014 of Mr. Rajender Prasad, CPIO & Accounts Officer, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

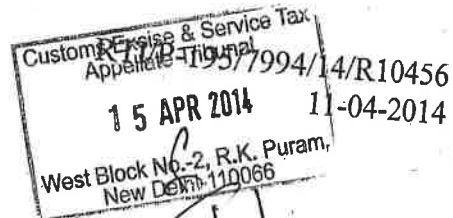
Thanking you,

Yours faithfully,

[R.K. Jain]



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



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

Sub: My RTI Application No. RTI/7994/14, dated 25/3/2014

Dear Sir,

This refers to the letter ID No.09-50/2014 dated 9-4-2014 of Mr. Rajender Prasad, CPIO & Accounts Officer, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

TIME BOUND

RTI

ANNEXURE- 5

1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

Customs Excise & Service Tax
Appellate Tribunal

15 APR 2014

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

RTI/P-195/7994/14/R10457

11-04-2014

O/C

TIME BOUND

RTI

(11)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

ANNEXURE- 6

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

Customs Excise & Service Tax
Appellate Tribunal

15 APR 2014

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

RTI/P-195/7994/14/R10458

11-04-2014

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

Sub: My RTI Application No. RTI/7994/14, dated 25/3/2014

Dear Sir,

This refers to the letter ID No.09-50/2014 dated 9-4-2014 of Mr. Rajender Prasad, CPIO & Accounts Officer, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

Encl: As above

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

Date of Hearing/decision: 22.05.2014

**Appeal No.09-011(A)/CESTAT/FAA/2014
CPIO, I.D.No. 09-50/CESTAT/CPIO/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER No. 011/2014

Per Rakesh Kumar:-

1. The applicant vide RTI application dt. 25.03.2014 has sought the following point wise information:-

"Details of information required:

(A) Please provide copies of all note sheets relating to tour orders from 01.01.2013 till the date of providing the information, including copies of all correspondence including tour orders.

(B) Please provide copies of all note sheets relating to the roster orders issued from 01.04.2013 and copies of all correspondence pages except roster orders.

(C) Please provide copies of all tour programmes of the Hon'ble President of the CESTAT along with copies of all note sheets, correspondence pages, tickets, protocol letters, boarding passes, exchange coupons given to Air India, bills and payment vouchers from 01.03.2013 till the date of providing the information.

(D) Please provide copies of all tour programmes of the Registrar, CESTAT along with copies of all note sheets,

correspondence pages, tickets, protocol letters, boarding passes, exchange coupons given to Air India, bills and payment vouchers from 01.12.2012 till the date of providing the information.

(E) Please provide inspection of all files, records, documents, note sheets, memorandums, registers, diaries, in which the above referred information is also contained or relates to.

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


(G) Please provide copies of all note sheets and correspondence pages of the RTI Files 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.

Note:- Please provide point-wise information/response for each of above points.

2. Since the required information has not been received by the appellant by treating the same as deemed refusal, this appeal has been filed by him.

3. Heard both the sides.


4. The point-wise information sought by the appellant may be provided to the appellant within two weeks time.


(Rakesh Kumar)
Member(Technical)

To

1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg
Wazir Nagar, New Delhi-110 003.
2. Copy to CPIO.

30-5-14
ISSUED ON
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110006



Dy. No. 1458/14-ck
05/5/14. *Appl - 09-12CA/2014 ①*

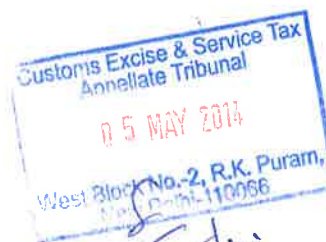
First Appeal under Section 19 of the Right to Information Act, 2005
against Deemed Refusal

Ref. No. : RTI/P-537/(7995/14)/Appeal/15075

Dated : 03-05-2014

20.4.7/RTI/2014
6/5/14
To

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



A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	25-03-2014	
3.	Details of the order appealed against		
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	25-05-2014	
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time	
7.	Copies of documents relied upon by the applicant	(1) Copy of RTI application dated 25-3-2014. (Annexure-1) (2) Copy of CPIO's letter dated 1-4-2014. (Annexure-2) (3) Copy of appellant's 2 reminder letters dated 4-4-2014 (Annexure-3)	

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 25-03-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *The Government has taken decision to establish new benches at Chandigarh, Allahabad and Hyderabad. The applicant has received information that certain officials of the CESTAT in connivance with the certain law firms are delaying the establishment of new Benches Chandigarh, Allahabad so that these law firms may first open their branch office in these cities before the CESTAT Bench become functional. In this background, the following information may be provided :-*

- (i) *Please provide the list of files in which the establishment of six new benches is dealt with in the CESTAT and provide copies of all the notesheets of the said files and inspection of the correspondence pages of these files.*
- (ii) *Please provide the present status for the establishment of six new benches.*
- (iii) *Please provide datewise details of the steps for the establishment of new benches at Chandigarh, Allahabad and Hyderabad.*
- (iv) *Please provide datewise details of the tours undertaken by the Registrar, CESTAT and others for finding suitable other location or for establishment of new Benches and copy of the tour reports submitted by him as well as the details of the officials with whom he had a meeting and the buildings or locations inspected by him at each station.*
- (v) *Date-wise and step-wise details of the steps taken for finding the building for the new Benches including giving of advertisements and sending of requisitions to concerned authorities. Please provide copies of all such correspondence and notesheets including copies of responses received.*

- (vi) *Please provide the datewise details of the tours undertaken by the President, CESTAT in relation to the establishment of new Benches and the tour reports submitted by him.*
- (B) *Please provide the details of the amount so far spend for the establishment of the new benches and the deadline, if any, fixed in this respect including by Ministry of Finance.*
- (C) *Please provide datewise details of the meetings held with the Local Bar Association at Chandigarh, Allahabad and Hyderabad for the establishment of the new Benches at these cities and the suitability of the location. Please also provide copies of the representations/communications received for the establishment of new benches except the communication received from the Ministry of Finance.*
- (D) *Please provide list of files from which the information as sought above is provided by you*
- (E) *Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.*
- (2) 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 1-4-2014 (**Annexure-2**) of the CPIO to various deemed CPIOs, CESTAT, New Delhi. The Appellant vide letter dated 4-4-2014. (**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.

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, CESTAT, New Delhi 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.

5

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 : 03-05-2014

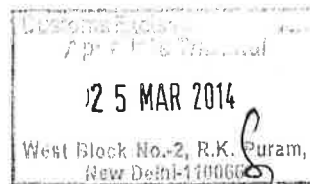
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/7995/14

Dated : 25-3-2014

To

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



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) The Government has taken decision to establish new benches at Chandigarh, Allahabad and Hyderabad. The applicant has received information that certain officials of CESTAT in connivance with certain law firms are delaying establishment of new Benches at Chandigarh, Allahabad so that these law firms may first open their branch office in these cities before CESTAT Bench become functional. In this background, following information may be provided :-</p> <p>(i) Please provide list of files in which establishment of six new benches is dealt with in CESTAT and provide copies of all notesheets of said files and inspection of correspondence pages of these files.</p> <p>(ii) Please provide present status for establishment of six new benches.</p> <p>(iii) Please provide datewise details of steps for establishment of new benches at Chandigarh, Allahabad and Hyderabad.</p> <p>(iv) Please provide datewise details of tours undertaken by Registrar, CESTAT and others for finding suitable other location or for establishment of new Benches and copy of tour reports submitted by him as well as details of officials with whom he had a meeting and buildings or locations inspected by him at each station.</p> <p>(v) Date-wise and step-wise details of steps taken for finding building for new Benches</p>

	<p>including giving of advertisements and sending of requisitions to concerned authorities. Please provide copies of all such correspondence and notesheets including copies of responses received.</p> <p>(vi) Please provide datewise details of tours undertaken by President, CESTAT in relation to establishment of new Benches and tour reports submitted by him.</p> <p>(B) Please provide details of amount so far spend for establishment of new benches and deadline, if any, fixed in this respect including by Ministry of Finance.</p> <p>(C) Please provide date-wise details of meetings held with Local Bar Association at Chandigarh, Allahabad and Hyderabad for establishment of new Benches at these cities and suitability of location. Please also provide copies of representations/communications received for establishment of new benches except communication received from Ministry of Finance.</p> <p>(D) Please provide list of files from which information as sought above is provided by you</p> <p>(E) Please provide copies of all note sheets and correspondence pages of RTI file in which this application has been dealt with, till date of providing information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the RTI Act, 2005
6.	A Postal Order No. 21F 989351 for Rs. 10 towards payment of fee is enclosed herewith.



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

Place : New Delhi

Encl. : as above

Hira/---7995
ASN

(8)

F.No. 09-39...../CESTAT/CPIO-ND/RP/2013
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 01/04/2014

ID No. 09-39/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R.K. Jain
 Under RTI Act 2005 vide No. 7995/14 dated
25/3/14 (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. 7995/14 dated 25/3/14 CPIO ID No 09-39/14 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 15/4/2014 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
- 2 AR (Admin.) CESTAT, New Delhi
- 3 _____

✓ Copy for information to:-

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

O/C

Annexure-3

(9)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

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

RTI/P-195/7995/14/R10356
04-04-2014

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

07 APR 2014

Sub: My RTI Application No. RTI/7995/14, dated 25/3/2014

Dear Sir,

This refers to the letter ID No. 09-39/14 dated 1-4-2014 of Mr. Rajender Prasad, CPIO/Accounts Officer, CESTAT transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

o/c (10)
R.K. JAIN M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

Central Excise Law Guide; Central Excise Tariff of India;
Central Excise Law Manual; Customs Tariff of India;
Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case Referencer;
Service Tax Law Guide; Service Tax Handbook;
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Services; Valuation under Central Excise; Hand-
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**1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243**

RTI/P-195/7995/14/R10355
04-04-2014

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

07 APR 2014
R.K. Jain

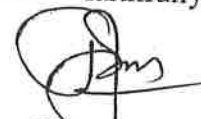
Sub: My RTI Application No. RTI/7995/14, dated 25/3/2014

Dear Sir,

This refers to the letter ID No. 09-39/14 dated 1-4-2014 of Mr. Rajender Prasad, CPIO/Accounts Officer, CESTAT transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

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

Date of Hearing/decision: 22.05.2014

**Appeal No.09-012(A)/CESTAT/FAA/2014
CPIO, I.D.No. 09-39/CESTAT/CPIO/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER No. 012/2014

Per Rakesh Kumar:-

1. The applicant vide RTI application dt. 25.03.2014 has sought the following point wise information about setting up of the Benches:-

"Details of information required:

(A) A Government has taken decision to establish new benches at Chandigarh, Allahabad and Hyderabad. The applicant has received information that certain officials of CESTAT in connivance with certain law firms are delaying establishment of new Benches at Chandigarh, Allahabad so that these law firms may first open their bench office in these cities before CESTAT Bench become functional. In this background, following information may be provided:-

- (i) Please provide list of files in which establishment of six new benches is dealt with in CESTAT and provide copies of all note sheets of said files and inspection of correspondence pages of these files.
- (ii) Please provide present status for establishment of six new benches.
- (iii) Please provide date wise details of steps for establishment of new benches at Chandigarh, Allahabad and Hyderabad.

(iv) Please provide date wise details of tours undertaken by Registrar, CESTAT and others for finding suitable other location or for establishment of new Benches and copy of tour reports submitted by him as well as details of officials with whom he had a meeting and buildings or locations inspected by him at each station.

(v) Date-wise and step-wise details of steps taken for finding building for new Benches including giving of advertisements and sending of requisitions to concerned authorities. Please provide copies of all such correspondence and note sheets including copies of responses received.

(vi) Please provide date wise details of tours undertaken by President, CESTAT in relation to establishment of new Benches and tour reports submitted by him.

(B) Please provide details of amount so far spend for establishment of new benches and deadline, if any, fixed in this respect including by Ministry of Finance.

(C) Please provide date-wise details of meetings held with Local Bar Association at Chandigarh, Allahabad and Hyderabad for establishment of new Benches at these cities and suitability of location. Please also provide copies of representations/communications received for establishment of new benches except communication received from Ministry of Finance

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

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

Note:- Please provide point-wise information/response for each of above points.



2. Since the required information submitted by the CPIO is not point-wise, the appellant in this appeal has sought direction to the CPIO to furnish point wise information and in this regard the appellant has cited the **order dt.19.01.09 of Chief Information Commissioner in the case of Shri H.B. Malhotra Vs. Prime Minister's Office** wherein it has been held that it is not open to the CPIO to provide the information in whatsoever form he wishes and he must furnish the information sought in the form in which the applicant wants and in this regard Hon'ble Chief Information Commissioner has referred to Section 7(9) of the Right to Information Act. In view of the statutory provisions clearly stating that an information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question, information sought must be provided point wise.

3. In view of this the CPIO is directed to furnish point-wise information in the form in which it is sought by the appellant.


(Rakesh Kumar)
Member(Technical)

To

1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg
Wazir Nagar, New Delhi-110 003.
2. Copy to CPIO.

30-5-14
ISSUED ON
SIGN (DEPT. OF CUSTOMS, EXCISE & SERVICE TAX)
APPELLATE TRIBUNAL
NEW DELHI-110058



Appeal No. 09-013(A)/2014

(1)

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

Ref. No. : RTI/P-195/(7998/14)/Appeal/15087

Dated : 09.05.2014

To

Shri Rakesh Kumar
Member (Technical)
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 Kripa Shankar, Assistant Registrar (Customs, Service Tax and Anti Dumping Branch) and Deemed CPIO (3) Shri Mukesh Gupta - Assistant Registrar (Excise Branch), 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)	25.03.2014
3.	Details of the order appealed against	Letter F.No.09-42/CESTAT/CPIO-ND/RP/2014 dated 07.05.2014
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	07.06.2014
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	(1) Copy of RTI application dated 25.03.2014. (Annexure-1) (2) Copy of CPIO's letter dated 01.04.2014. (Annexure-2) (3) Copy of Appellant's 5 Reminder letters dated 04.04.2014. (Annexure-3)

-2-

		(4) Copy of CPIO's letter dated 23.04.2014. (Annexure-4)
		(5) Copy of Appellant's letter dated 25.04.2014. (Annexure-5)
		(6) Copy of CPIO's letter dated 07.05.2014. (Annexure-6)

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 25.03.2014 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide list of cases in which, the cost has been imposed by CESTAT Benches from 1st April 2013 till the date of providing the information and the details of the cost realised/recovered so far and details of the cost, which has not so far been paid.*
- (B) *Please provide copy of all the orders including record of proceedings/order sheets in relation to Central Excise Appeal No. 1457, 1458, 1459, 1460, 1461, and 1716 of 2012 in the case of Dhrampal Satyapal including orders passed on 9th August, 2012 and 12th September, 2012. Along with the copy of application seeking waiver of cost of Rs. 5 lakhs.*
- (C) *Please provide list of cases in which, the cost has been imposed by CESTAT Benches from 1st April, 2013 till the date of providing the information and the details of the cost realised/recovered so far and details of the cost, which has not so far been paid.*
- (D) *Please provide copy of all the orders including record of proceedings/order sheets in relation to Central Excise Stay Application No. 717, 718, 871, 872, 1119, 1121, 1196 and 1120 of 2012 and copies of all applications except stay application moved in the appeals relating to said stay applications*
- (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 ,CESTAT New Delhi, Shri Mukesh

Gupta – Assistant Registrar (Excise Branch), Deemed CPIO and Shri Kripa Shankar, Assistant Registrar (Customs, Service Tax and Anti Dumping Branch) and 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 Deemed CPIO have not provided the informed as sought under Point (A) and (C) of the RTI Application regarding realisation of the cost imposed by the CESTAT Benches. Since the cost so imposed is to be realised by the CESTAT Registry itself therefore, by virtue of Section 4 of the RTI Act, 2005 read with the Cabinet Secretariats manual of office procedure is required to be maintained, as all amounts to be realised form part of the financial transaction, which has to be duly recorded and accounted for. Moreover, under the RTI Act, the maintenance of information is not the pre-requisite for providing the information. Since the information sought is held by the public authority, it is to be provided. Recently the First Appellate Authority of the CIC in the case of S.C. Agarwal V/s. CIC – First appeal No. CIC/AA/A/2013/269 decided on 3-10-2013 basing its decision on Supreme Court judgment held as under: -

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

-4-

court has defined the words "**held by**" and "**under the control of**" as under:-

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

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

In view of the above decision of the First Appellate Authority of the CIC , CPIO and Deemed CPIOs are required to provide the information as sought in point (A) & (C) of the RTI application. Therefore, the order of the CPIO / Deemed CPIO, 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 Kripa Shankar, Assistant Registrar (Customs, Service Tax and Anti Dumping Branch) and Deemed CPIO, has deliberately and malafidely provided contradictory information in relation to Point (C), as first he has stated that the information is not maintained and then he stated that the information in Point (C) does not pertain to his Registry. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (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

-5-

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 : 09.05.2014

o/c

Annexure - 1

(6)

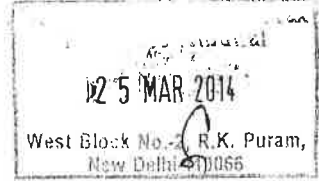
Application under Section 6 of the Right to Information Act, 2005

Ref. No. : RTI/P-195/7998/14

Dated : 25-3-2014

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 cases in which, the cost has been imposed by CESTAT Benches from 1st April 2013 till the date of providing the information and the details of the cost realised/recovered so far and details of the cost, which has not so far been paid.</p> <p>(B) Please provide copy of all the orders including record of proceedings/order sheets in relation to Central Excise Appeal No. 1457, 1458, 1459, 1460, 1461, and 1716 of 2012 in the case of Dhrampal Satyapal including orders passed on 9th August 2012 and 12 September 2012. Along with the copy of application seeking waiver of cost of Rs. 5 lakhs.</p> <p>(C) Please provide list of cases in which, the cost has been imposed by CESTAT Benches from 1st April 2013 till the date of providing the information and the details of the cost realised/recovered so far and details of the cost, which has not so far been paid.</p> <p>(D) Please provide copy of all the orders including record of proceedings/order sheets in relation to Central Excise Stay Application No. 717, 718, 871, 872, 1119, 1121, 1196 and 1120 of 2012 and copies of all applications except stay application moved in the appeals relating to said stay applications</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>

Put in
format
for
Appel

To be
disposed

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 989331 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.



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

Place : New Delhi

Encl. : as above

Hira/—7998
ash

F.No. 09-42...../CESTAT/CPIO-ND/RP/2013
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 01/04/14

ID No. 09-42/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R.K. Jain
 Under RTI Act 2005 vide No. 7998/14 dated
25.3.14 (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. 7998/14 dated 25/3/14 CPIO ID No 09-42/14 is
 forwarded herewith to the following officers as deemed CPIO with the
 request to provide correct and para-wise information/inspection on or
 before 14/04/2014 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. Delhi
- 2 AD Excise CESTAT N. Delhi
- 3 AD SM of Customs / ST. CESTAT N. Delhi,

✓ Copy for information to:-

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

TIME BOUND

RTI

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

President, Excise and Customs Bar Association

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 & Clarifications; Excise & Customs Case Referencer;
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1512-B, Bhishm Pitamah Marg,
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NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243

RTI/P-195/7998/14/R10349
 04-04-2014

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

07 APR 2014

Sub: My RTI Application No. RTI/7998/14, dated 25/3/2014

Dear Sir,

This refers to the letter ID No.09-42/14 dated 1-4-2014 of Mr. Rajender Prasad, CPIO/Accounts Officer, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

8/10



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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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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-195/7998/14/R10350
04-04-2014

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

07 APR 2014

Sub: My RTI Application No. RTI/7998/14, dated 25/3/2014

Dear Sir,

This refers to the letter ID No. 09-42/14 dated 1-4-2014 of Mr. Rajender Prasad, CPIO/Accounts Officer, CESTAT transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

o/c



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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

Central Excise Law Guide; Central Excise Tariff of India;
Central Excise Law Manual; Customs Tariff of India;
Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case 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-195/7998/14/R10351
04-04-2014

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


Sub: My RTI Application No. RTI/7998/14, dated 25/3/2014

Dear Sir,

This refers to the letter ID No. 09-42/14 dated 1-4-2014 of Mr. Rajender Prasad, CPIO/Accounts Officer, CESTAT transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

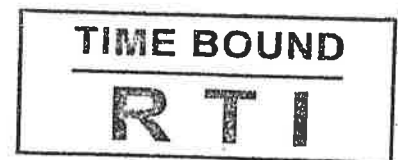
Thanking you,

Yours faithfully,



[R.K. Jain]

O/C



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

RTL/P-195/7998/14/R10352
04-04-2014

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

07 APR 2014

Sub: My RTI Application No. RTI/7998/14, dated 25/3/2014

Dear Sir,

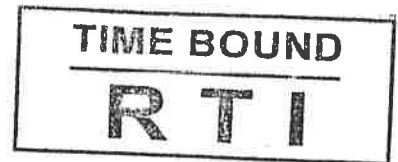
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Thanking you,

Yours faithfully,

[R.K. Jain]

o/c



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

RTI/P-195/7998/14/R10353
04-04-2014

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

07 APR 2014

Sub: My RTI Application No. RTI/7998/14, dated 25/3/2014

Dear Sir,

This refers to the letter ID No. 09-42/14 dated 1-4-2014 of Mr. Rajender Prasad, CPIO/Accounts Officer, CESTAT transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

F.No. 09-42 /CESTAT/CPIO-ND/RP/2014
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 23/4/14

ID No. 09-42/2014

To

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

Subject: information under Right to Information Act.2005.

Sir,

Please refer to your RTI application No. 7998/14 dated 25/3/14
and Tribunal's ID No. 09/42/14 the information received from AR, Excise
containing 66 pages is endorsed herewith for your reference please.

You are therefore, requested to acknowledge the receipt of the same and
deposit Rs. 132/- @2/- per page to this Tribunal by cash or DD in favour of
Accounts Officer, CESTAT, New delhi.


(Rajender Prasad)
Accounts Officer/CPIO

EXCISE BRANCH**ID No. 09-42/2014**

✓ To,

CPIO & Assistant Registrar,
CESTAT, West Block No-2,
R.K. Puram, New Delhi -110066

With reference to your letter No. ID/09-42/2014 dated 01.04.2014.

In this reference to required information furnished as under.

4.(A) Not maintained.

(B) Copy of all the orders including record
Of proceedings/order sheets(Pages 58-66).

(C) Not maintained.

(D) copy of all the orders including record of
Proceedings /orders sheets(pages 01-57).

Encl:-Pages-66

✓ 22.4.14
Assistant Registrar
Excise Branch
22.04.2014

Smt. Anjum
Hyd
22/4/14

HC Annexure-5
(16)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

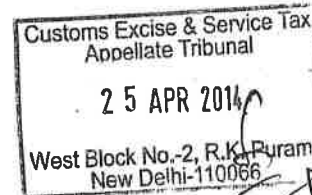
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Services; Valuation under Central Excise; Hand-
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Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243**

RTI/P-195/7998/14/R10600
25-04-2014

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



Sub: My RTI Application No. RTI/7998/14, dated 25/3/2014

Dear Sir,

This refers to your letter ID No.09-42/2014 dated 23-4-2014. As desired, please enclosed find herewith a Pay Order No. 035368 dated 25-4-2014 for Rs. 132/- drawn at Axis Bank Ltd., Defence Colony, New Delhi towards the supply of 66 pages of information.

Thanking you,

Yours faithfully,

[R.K. Jain]

Encl: As above

asn

17



Defence Colony New Delhi, New Delhi, 110024

DEFENCE COLONY, NEW DELHI

VALID FOR THREE MONTHS FROM THE DATE OF ISSUE.

IFS CODE - UTIB0000357

DATE 2 5 0 4 2 0 1 4
दिनांक D D M M Y Y Y Y

ACCOUNTS OFFICER, CESTAT, NEW DELHI

PAY

OR ORDER / या-सत्र के आदेश पर

One Hundred Thirty Two only

RUPEES

*****132.00

रुपये

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अदा करें

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PO Sr. No.

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35701200261
आदाता के खाते में
Rupees A/c Only
DEFENCE COLONY, NEW DELHI [02]

AS
1036

AUTHORISED SIGNATORY
प्राधिकृत हस्ताक्षर कर्ता

Please sign above

AUTHORISED SIGNATORY
प्राधिकृत हस्ताक्षर कर्ता

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⑈035368⑈ 110211036⑈

12

F.No. 09-42/CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated---7/5/14---

ID No. 09-42/14

✓
To,

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


Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 7998/14----- Dt. 25/3/14
and our ID No. 09-42/14... the information received from ~~At, Customs & Excise~~
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.

If aggrieved, you may file an appeal before the Hon'ble First
Appellate Authority Shri Rakesh Kumar, Member (Technical),
CESTAT, New Delhi.


(Rajender Prasad)
Accounts Officer/CPIO

SINGLE MEMBER BRANCH

Please refer to your letter No.F.No.09-42/CESTAT/CPIO-ND/RP/2014 dated 01/04/2014 regarding the RTI application I.D. No.09-42/2014.

In this regard, it is submitted that the information sought vide Points A is not maintained in the Registry. ~~The applicant may please provide the specific details so that, details in respect of that may be provided to him.~~

Point B pertains to Division bench.

The information sought vide Points C is not maintained in the Registry.

Point D pertains to Division bench.

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

8.
02/05/14

C P I D

Smt. Anjana
Indy
06/05/14


Assistant Registrar - SM

1785/CPIO
06/05/2014

CUSTOMS, SERVICE TAX & ANTIDUMPING BRANCH

I.D.No.09-42/14

With reference to your I.D.No.09-42/14 dated 01.4.2014, the information sought by vide para (A) & (C) in this regard it is submitted that there is no such record maintained in this bench Registry and in regard to para (B) & (C) do not pertain to this bench registry.

G
6/8Asstt. Registrar.
6/5/14

CPO

Sub Am
Indy
06/5/141786/CPO
06/05/2014

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

Date of Hearing/decision: 22.05.2014

**Appeal No.09-013(A)/CESTAT/FAA/2014
CPIO, I.D.No. 09-42/CESTAT/CPIO/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER No. 013/2014

Per Rakesh Kumar:-

1. The information sought by the appellant vide his application dt. 25.03.02014 is about the list of the cases in which the cost has been imposed by CESTAT Benches from 1st April 2013.
2. Heard both the side. The Respondent CPIO states the point-wise information has been provided that he is satisfied with the information. Accordingly this appeal is disposed of as withdrawn.

(Rakesh Kumar)
Member(Technical)

To

1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg
Wazir Nagar, New Delhi-110 003.
2. Conv to CPIO.

30-5-14
ISSUED ON
SIGN (DEPUTY COMMISSIONER SECTION)
CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110008

Appeal No. 09-014(A) /2014

①

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

Ref. No. : RTI/P-537/(8042/14)/Appeal/15099

Dated : 10-05-2014

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
		(b) Address	CESTAT, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	11-04-2014	
3.	Details of the order appealed against	Letter No. 09-51/CESTAT/CPIO-ND/RP/2014 dated 09-05-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	09-06-2014	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	(1) Copy of RTI application dated 11-4-2014. (Annexure-1) (2) Copy of CPIO's letter dated 17-4-2014. (Annexure-2) (3) Copy of Appellant's 2 Reminder letter dated 23-4-2014. (Annexure-3) (4) Copy of CPIO's letter dated 2-5-2014. (Annexure-4) (5) Copy of Appellant's Reminder letter dated 7-5-214. (Annexure-5) (6) Copy of CPIO's letter dated 9-5-2014. (Annexure-6)	

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 11-04-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *The proactive disclosure of information by CESTAT on its website is neither complete nor uptodate as per the requirement of the Section 4 of the RTI Act, 2005 read with guidelines issue under DoPT O.M. No. 1/6/2011-IR, dated 15-04-2013 and 10-12-2013. Even the Hindi version is not operational and most of the menus & sub menus/hyperlinks are without any data though displayed on the home page. The CPIO, CESTAT is liable for penal action in this regard as per Section 18 of the RTI Act read with Delhi High Court decision in the case of DDA v. CIC. You are advised to comply with the provisions of section 4 within a week failing which the Applicant shall file a complaint under section 18 of the RTI against the concerned officials of CESTAT. In this respect, please also provide the following information : -*

(i) *Please provide the file Numbers in which the proactive disclosure by CESTAT under Section 4 of the RTI Act is dealt with. Please provide the number of Notesheets and number of correspondence pages contained in each file. Please provide certified copies of the Notesheets of the said file form 01-01-2013 till the date of providing the information.*

(ii) *Please provide the name of the officers with designations who are responsible for making voluntary disclosure under section 4 of the RTI Act from 01-01-2009 till the date of providing the information and also provide the details of actions taken against them for violation of provisions of section 4 of the RTI Act,*

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

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

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri Rajender Prasad, CPIO ,CESTAT New Delhi, and Shri A. Mohan Kumar, Registrar and 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 Shri Rajender Prasad, CPIO ,CESTAT New Delhi, and Shri A. Mohan Kumar, Registrar and Deemed CPIO have deliberately and malafidely not intimated the number of note sheets and number of correspondence pages contained in each file relating to pro-active disclosure by CESTAT. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act. for delaying and obstructing the information in question without any reasonable cause.
- (4) That Shri Rajender Prasad, CPIO ,CESTAT New Delhi, and Shri A. Mohan Kumar, Registrar and Deemed CPIO have deliberately and malafidely not provided certified copies of the note sheets contained in each file relating to pro-active disclosure by CESTAT. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also

-4-

- liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.
- (5) That Shri Rajender Prasad, CPIO ,CESTAT New Delhi, and Shri A. Mohan Kumar, Registrar and Deemed CPIO have deliberately and malafidely not intimated the action taken against the CESTAT Officials involved in the violation of the provisions of section 4 of the RTI Act as sought in point (A)(ii) of the RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.
- (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:

-5-

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



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

Place : New Delhi
Dated : 10-05-2014

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

(6)

Ref. No. : RTI/P-195/8042/14

Dated : 11-4-2014

To

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

11 APR 2014

Lpsal

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) The proactive disclosure of information by CESTAT on its website is neither complete nor uptodate as per the requirement of the Section 4 of the RTI Act, 2005 read with guidelines issue under DoPT O.M. No. 1/6/2011-IR, dated 15-04-2013 and 10-12-2013. Even the Hindi version is not operational and most of the menus & sub menus/hyperlinks are without any data though displayed on the home page. The CPIO, CESTAT is liable for penal action in this regard as per Section 18 of the RTI Act read with Delhi High Court decision in the case of DDA v. CIC. You are advised to comply with the provisions of section 4 within a week failing which the Applicant shall file a complaint under section 18 of the RTI against the concerned officials of CESTAT. In this respect, please also provide the following information :-</p> <p>(i) Please provide the file Numbers in which the proactive disclosure by CESTAT under Section 4 of the RTI Act is dealt with. Please provide the number of Notesheets and number of correspondence pages contained in each file. Please provide certified copies of the Notesheets of the said file from 01-01-2013 till the date of providing the information.</p> <p>(ii) Please provide the name of the officers with designations who are responsible for making</p>

not given

To be given

	<p><i>furnished</i> <i>not required</i></p>	<p>voluntary disclosure under section 4 of the RTI Act from 01-01-2009 till the date of providing the information and also provide the details of actions taken against them for violation of provisions of section 4 of the RTI Act.</p> <p>(B) Please provide list of files from which the information as sought above is provided by you</p> <p>(C) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 21F 990014 for Rs. 10 towards payment of fee is enclosed herewith.	



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

Place : New Delhi

Encl. : as above

Hira/—8042
asg

F.No. 09-51...../CESTAT/CPIO-ND/RP/2014
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 17/4/14

ID No. 09-51/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R. K. Jain
 Under RTI Act 2005 vide No. 8042/14 dated
11/4/2014 (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. 8042/14 dated 11/4/14 CPIO ID No 09-51/2014 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 30/4/14 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013

Encl: as above

Rajender Prasad
 (Rajender Prasad)
 Accounts Officer/CPIO

To

- 1 To, Computer Cell
- 2 AR (Admin.)

Copy to: ³ Shri R.K. Jain, 1512-B, Bhishma Pitamah Marg,
Wazir Nagar, New Delhi-11003 for information

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

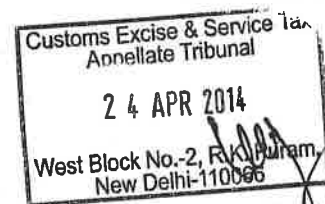
and author of

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& Clarifications; Excise & Customs Case Referencer;
Service Tax Law Guide; Service Tax Handbook;
Handbook of Duty Drawback on Goods &
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**1512-B, Bhishm Pitamah Marg,
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NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243**

RTI/P-195/8042/14/R10571
23-04-2014

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



Sub: My RTI Application No. RTI/8042/14, dated 11/04/2014

Dear Sir,

This refers to the letter No. F.No.09-51/CESTAT/CPIO-ND/RP/2014 dated 17/04/2014 of Mr. Rajender Prasad, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

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

[R.K. Jain]

o/c

(10)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

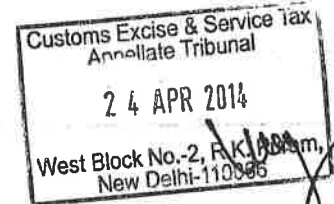
and author of

Central Excise Law Guide; Central Excise Tariff of India;
Central Excise Law Manual; Customs Tariff of India;
Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case 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 : 9610077977
Fax No. 011-24635243**

RTI/P-195/8042/14/R10570
23-04-2014

Technical Officer (Computer Section)
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066



Sub: My RTI Application No. RTI/8042/14, dated 11/04/2014

Dear Sir,

This refers to the letter No. F.No.09-51/CESTAT/CPIO-ND/RP/2014 dated 17/04/2014 of Mr. Rajender Prasad, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

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

[R.K. Jain]

F.No. 09-51...../CESTAT/CPIO-ND/RP/2014,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 24/5/14ID No. 09-51/14

Subject : Information sought under RTI Act.

Please refer to RTI application No. 8042/14 dated 11/4/14
of Shri R. K. Jain CPIO ID 09-51/14 the requisite information
was called for from you, the same have not been provided by you till dated
despite of letter/~~reminder~~ dated 17/4/14 issued to you as deemed CPIO
under section 6(3) and section 5(4) read with section 5(5) of Right to Information
Act as you are the custodian of the information.

You are again requested to please provide the information within 03 days
failing which you are responsible for any action or penal action imposed by the
First appellate Authority or the Central Information Commission.

Accounts Officer/CPIO

To

① T.O. Computer Room

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

OK Annexure-5

(12)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

Central Excise Law Guide; Central Excise Tariff of India;
Central Excise Law Manual; Customs Tariff of India;
Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case Referencer;
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book of Foreign Trade Policy & Procedures

1512-B, Bhishm Pitamah Marg;

Wazir Nagar,

NEW DELHI - 110 003.

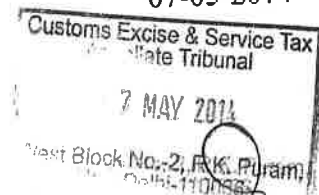
PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/8042/14/R10779

07-05-2014



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

Sub: My RTI Application No. RTI/8042/14, dated 11/4/2014

Dear Sir,

Your kind attention is invited to Reminder letter F. No. 09-51/CESTAT/CPIO-ND/RP/2014 dated.02-05-2014 of Shri Rajender Prasad, CPIO, CESTAT, New Delhi. Please note that you have not so far provided the information. As per section 7 of the RTI Act, you are required to provide information within 30 days of filing the RTI application. The said period is going to expire shortly, therefore kindly provide the information at the earliest and in any case before 11-05-2014.

Thanking you,

Yours faithfully,

[R.K. Jain]

F.No. 0951/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 9/5/14ID No. 0951/2014

✓ To,

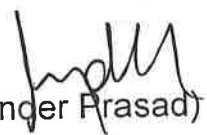
Shri R.K.Jain,
1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
New Delhi-110 003

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 8042/14 Dt. 11/4/14
and our ID No. 0951/14... the information received from Registrar, Gurgaon
containing 04 pages is enclosed herewith for your reference 1/c.
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

14

**F.No 7(1)/CESTAT/RTI/Comp.Sec/2014
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.2, R.K. PURAM, NEW DELHI.**

Dated: 08.05.2014

Note

Sub: Information sought under RTI Act'2005-reply-regd.
Refer: RTI/P-195/8042/14 Dated 11-04-14
RTI-ID 09-51/2014

Please refer to note dated 29/04/2014, of CPIO issued vide F.No. 09-62/CESTAT/CPIO-ND/RP/2014 on the captioned subject. The point wise information related to computer section is furnished below.

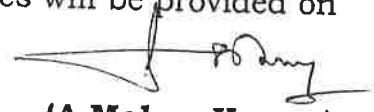
A (i) File No. 8/2/CESTAT/Comp/06 & 7(1)/CESTAT/RTI/Comp Sec/2014

(ii) Name of Officer

a) Member Incharge	Smt. Archana Wadhwa
b) Registrar	Shri. A.Mohan Kumar
c) Assistant Registrar	Shri Mukesh Gupta (Administration/CT)
d) Assistant Registrar	Shri Kripa Shankar (Customs/Admin)
e) Assistant Registrar	Shri S.K.Verma (Single Mem./CR)
f) Assistant Registrar	Shri V.P.Pandey (Excise Branch)
g) Accounts Officer	Shri Raendar Prasad (Cash Branch)
h) Technical Officer	Shri. Sunil Kumar(CR/Computer Section)
i) Dealing Hand	Shri M.K. Sharma (Computer Section)

B As stated in A(i)

C Copies already provided by RTI ID No. 09-28/2014 dated 13/03/2014. If applicant further desired copies will be provided on chargeable basis as per RTI Act.



**(A.Mohan Kumar)
Registrar**

To

CPIO/CESTAT, Delhi

89/CPIO
08/05/2014

Sub. Incharge
08/05/14

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

Date of Hearing/decision: 22.05.2014

Appeal No.09-014(A)/CESTAT/FAA/2014
CPIO, I.D.No. 09-51/CESTAT/CPIO/2014

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER No. 014/2014

Per Rakesh Kumar:-

1. The applicant vide his application dt. 11.04.2014 has sought the following point wise information:-

"Details of information required:

(A) The proactive disclosure of information by CESTAT on its website is neither complete nor up-to-date as per the requirement of the Section 4 of the RTI Act, 2005 read with guidelines issue under DOPT O.M. No. 1/6/2011-IR, dt. 15.04.2013 and 10.12.2013. Even the Hindi version is not operational and most of the menus & sub menus/hyperlinks are without any data though displayed on the home page. The CPIO, CESTAT is liable for penal action in this regard as per Section 18 of the RTI Act read with Delhi High Court decision in the case of DDA v. CIC. You are advised to comply with the provisions of section 4 within a week failing which the Applicant shall file a complaint under section 18 of the RTI against the concerned officials of CESTAT. In this respect, please also provide the following information:-

- (i) Please provide the file Numbers in which the proactive disclosure by CESTAT under Section 4 of the RTI Act is dealt with. Please provide the number of Note Sheets and number of correspondence pages contained in each file. Please provide certified copies of the Note Sheets of the said file from 01.01.2013 till the date of providing the information.

30-5-14
ISSUED ON

SIGN. (DESPATCH SECTION)

CUSTOMS, EXCISE & SERVICE TAX

APPELLATE TRIBUNAL

NEW DELHI-110068

said file from 01.01.2013 till the date of providing the information.

- (ii) Please provide the name of the officers with designation who are responsible for making voluntary disclosure under Section 4 of the RTI Act, from 01.01.2009 till the date of providing the information and also provide the details of actions taken against them for violation of provisions of section 4 of the RTI Act.

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

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

2. The information sought is about maintenance of CESTAT Website as per the requirement of section 4 of the Right to Information Act, 2005 and also its updating s per from the guidelines issued under DOPT O.M. No. 1/6/2011-IR dt. 15.04.2013 and 10.12.2013.

3. Since the appellant is not satisfied with the information furnished by the CPIO/deemed CPIO which according to the appellant is incomplete, he has filed his appeal.

4. Heard both the sides.

5. The following directions are given to the CPIO:-

- (a) In respect of point 'A(i)' information may be given about file numbers in which the proactive disclosure by CESTAT

Information may also be given about the number of Note Sheets and number of correspondence pages in each file and besides this the certified copies of the Note Sheets of the said file also be furnished.

- (b) in respect of point 'A(ii)' information may be given about the names of the officers with designations who are responsible for maintaining the Website with regard to the voluntary disclosure under section 4 of the RTI Act. This information may be given within two weeks time.
- (c) in respect of point 'B' the information has been given by the CPIO and the Appellant is satisfied in respect of the same. As such no further information is required.
- (d) As regards the point 'C', the appellant agrees that this information is not required.


(Rakesh Kumar)
Member(Technical)

To

- 1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg
Wazir Nagar, New Delhi-110 003.
- 2. Copy to CPIO.



Appeal no - 09-15(M)/2014

①

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

Ref. No. : RTI/P-537/(8132/14)/Appeal/15112

Dated : 23-05-2014

Shri Rakesh Kumar
First Appellate Authority & Hon'ble Member (Technical)
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 Mohan Kumar Registrar & Deemed CPIO (3) Shri Mukesh Gupta Assistant Registrar (Admn.) & Deemed CPIO (b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	17-04-2014
3.	Details of the order appealed against	Letter F.No.09-60/CESTAT/CPIO-ND/RP/2014 dated 15-05-2014
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	15-06-2014
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 17-4-2014. (Annexure-1) 2. Copy of CPIO's letter dated 24-4-2014. (Annexure-2) 3. Copy of Appellant's 7 Reminder letter 25-4-2014. (Annexure-3) 4. Copy of CPIO's letter dated 29-4-2014. (Annexure-4) 5. Copy of CPIO's letter dated 29-4-2014. (Annexure-5) 6. Copy of CPIO's letter dated 30-4-2014.

CPIG
17

1787/2014-CH
26/5/14
14/KK(CAA)/14
26/05

		(Annexure-6) 7. Copy of CPIO's letter dated 7-5-2014. (Annexure-7) 8. Copy of CPIO's letter dated 13-5-2014. (Annexure-8) 9. Copy of CPIO's letter dated 15-5-2014. (Annexure-9)
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BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 17-04-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) Please provide copies of daily diary and dak receipt register of the Assistant Registrar (Admn.) from 1-1-2014 till date of providing the information.
- (B) Please provide copies of the dak receipt register of the office of the President CESTAT the Registrar CESTAT from 1-1-2014 till date of providing the information.
- (C) Please provide copies of all notesheets and correspondence pages of File No. 27(30)-Trf. Policy/CESTAT/Admn./08 dated 26-3-2014.
- (D) Please provide notesheets of the roaster files of the year 2013 & 2014
- (E) Please provide list of cases in which the cost has been imposed by the President CESTAT during the year 2012, 2013 & 2014.
- (F) Please provide the digital data for all the appeal/applications pending before all the benches of the CESTAT including New Delhi, Mumbai, Chennai, Kolkata, Bangalore and Ahmedabad.
- (G) Please provide the list of Circuit benches held from 1-1-2013 till the date of providing the information and provide copies of all notesheets and correspondence pages in relation to holding of such circuit benches.
- (H) Please provide datewise details of the tours undertaken by the President CESTAT from 1-4-2013 till date of providing the information.
- (I) Please provide list of files from which the information as sought above is provided by you
- (J) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of

providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.

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

(3) That Shri Rajender Prasad, CPIO, CESTAT New Delhi, Shri A. Mohan Kumar, Registrar and Deemed CPIO and Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO and 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 Shri Rajender Prasad, CPIO, CESTAT New Delhi, Shri A. Mohan Kumar, Registrar and Deemed CPIO and Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO and have deliberately and malafidely not provided the information sought in point (A), (C), (D), (E), (G), (H) of the RTI Application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

(4) That Shri A. Mohan Kumar, Registrar and Deemed CPIO has not provided the information sought in point (B) of the RTI Application nor he has given any reasons for not providing the same. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

(5) That Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed

9

-4-

CPIO has so far not provided the information sought in point (A) of the RTI Application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame

- (6) That Shri Rajender Prasad, CPIO, CESTAT New Delhi, Shri A. Mohan Kumar, Registrar and Deemed CPIO and Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO and have deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant
- (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.

⑤

-5-

- (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 : 23-05-2014

o/c Annexure-1

(6)

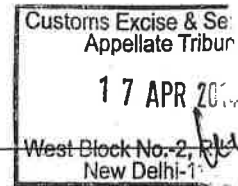
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8132/14

Dated : 17-4-2014

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 copies of daily diary and dak receipt register of the Assistant Registrar (Admn.) from 1-1-2014 till date of providing the information. (B) Please provide copies of the dak receipt register of the office of the President CESTAT the Registrar CESTAT from 1-1-2014 till date of providing the information. (C) Please provide copies of all notesheets and correspondence pages of File No. 27(30)-Trf. Policy/CESTAT/Admn./08 dated 26-3-2014. (D) Please provide notesheets of the roaster files of the year 2013 & 2014 (E) Please provide list of cases in which the cost has been imposed by the President CESTAT during the year 2012, 2013 & 2014. (F) Please provide the digital data for all the appeal/applications pending before all the benches of the CESTAT including New Delhi, Mumbai, Chennai, Kolkata, Bangalore and Ahmedabad. (G) Please provide the list of Circuit benches held from 1-1-2013 till the date of providing the information and provide copies of all notesheets and correspondence pages in relation to holding of such circuit benches.

7

	<p>(H) Please provide datewise details of the tours undertaken by the President CESTAT from 1-4-2013 till date of providing the information.</p> <p>(I) Please provide list of files from which the information as sought above is provided by you</p> <p>(J) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 21F 990392 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.



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

Place : New Delhi

Encl. : as above

Hira/—8132
asn

(8)

F.No. 09-60...../CESTAT/CPIO-ND/RP/2014,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 24/4/14ID No. 09-60/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8132/14 dated
17/4/14 (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. 8132/14 dated 17/4/14 CPIO ID No 09-60/2014 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 5/5/2014 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- SPS to Hon'ble President, CESTAT, N.D.

3 AR, Admin, CESTAT, New Delhi

4. T.O, Computer Dept.

5. Asstt. Registrar Excise/Customs ST/ S.M. - for Inform Point E only

6. CPIO, CESTAT, Mumbai, Chennai, Kolkata/Bangalore/Ahmedabad

Copy for information to:-

Sh R. K. Jain

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

for Point F only

o/c

Annexure - 3

(9)

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

President, Excise and Customs Bar Association

Editor of

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and author of

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NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243**

RTI/P-195/8132/14/R10619
25-04-2014

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



Sub: My RTI Application No. RTI/8132/14, dated 17/4/2014

Dear Sir,

This refers to the letter ID No. 09-60/2014 dated 24-4-2014 of Mr. Rajender Prasad, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

o/c. (10)

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

President, Excise and Customs Bar Association

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EXCISE LAW TIMES & SERVICE TAX REVIEW

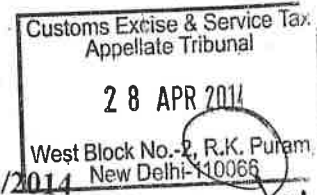
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1512-B, Bhishm Pitamah Marg,
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NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243

RTI/P-195/8132/14/R10618
25-04-2014

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



Sub: My RTI Application No. RTI/8132/14, dated 17/4/2014

Dear Sir,

This refers to the letter ID No. 09-60/2014 dated 24-4-2014 of Mr. Rajender Prasad, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

o/c

(11)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

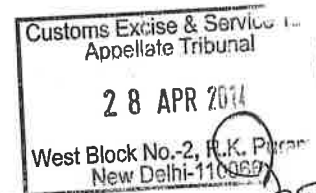
and author of

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

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

RTI/P-195/8132/14/R10620
25-04-2014

Technical Officer (Computer Section)
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066




Sub: My RTI Application No. RTI/8132/14, dated 17/4/2014

Dear Sir,

This refers to the letter ID No. 09-60/2014 dated 24-4-2014 of Mr. Rajender Prasad, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

o/c

(12)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

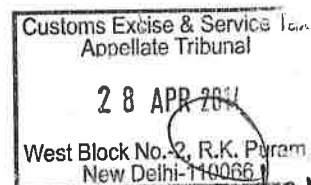
and author of

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

RTI/P-195/8132/14/R10621
25-04-2014

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



Sub: My RTI Application No. RTI/8132/14, dated 17/4/2014

Dear Sir,

This refers to the letter ID No. 09-60/2014 dated 24-4-2014 of Mr. Rajender Prasad, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

o/c (13)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/8132/14/R10622

25-04-2014

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/8132/14, dated 17/4/2014

28/4/14

Dear Sir,

This refers to the letter ID No. 09-60/2014 dated 24-4-2014 of Mr. Rajender Prasad, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

o/c (14)

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

President, Excise and Customs Bar Association

Editor of

'EXCISE LAW TIMES & SERVICE TAX REVIEW

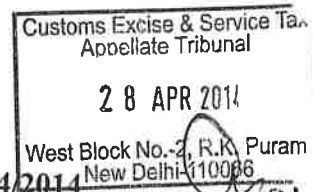
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**1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243**

RTI/P-195/8132/14/R10617
25-04-2014

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



Sub: My RTI Application No. RTI/8132/14, dated 17/4/2014

Dear Sir,

This refers to the letter ID No. 09-60/2014 dated 24-4-2014 of Mr. Rajender Prasad, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

o/c (15)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

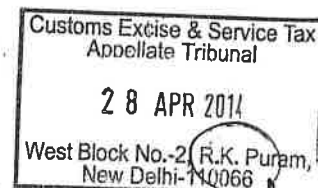
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Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243**

RTI/P-195/8132/14/R10623
25-04-2014

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



Sub: My RTI Application No. RTI/8132/14, dated 17/4/2014

Dear Sir,

This refers to the letter ID No. 09-60/2014 dated 24-4-2014 of Mr. Rajender Prasad, 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. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

CUSTOMS, EXCISE & SERVICE TAX , APPELLATE TRIBUNAL, EZB
169, A.J.C.BOSE ROAD, BAMBOO VILLA 7th FLOOR,KOLKATA – 14.

F.NO. 3/AR/RTI/ KOL/2014 *183*

DT -29-04-2014.

To
Mr. R.K.Jain
1512-B Bhishm Pitamah Marg
Wazir Nagar
New Delhi- 110003

Sub :- Your application. No. RTI/P-195/8132/14. DT. 17/04/14
vide I.D No.09-60/2014 dt. 24-04-14.

Sir,

Please refer to your above mentioned application forwarded by CPIO New Delhi. The necessary digital information is enclosed here in the form of CD.(Point No-F only):.

Please pay necessary fees as per rules.



DEPUTY REGISTRAR/CPIO

Copy to :CPIO,New Delhi.

F.No. 09-60/CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated- 28/4/14
ID No. 09-60/2014

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 8132/14 Dt. 17/4/14
and our ID No. 09-60/14 the information received from ~~SFSE~~ *Hoville*
containing ~~85~~ pages is enclosed herewith for your reference *Prasad*
please.

You are, therefore, requested to please acknowledge the
receipt and deposit Rs. 170/- (@2/- per page) to this Tribunal by
cash or DD in favour of Accounts Officer, CESTAT, New Delhi.

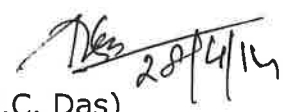

(Rajender Prasad)
Accounts Officer/CPIO

CESTAT, New Delhi

Dated: 28.4.2014

In pursuance of letter F.No.09-60/CESTAT/CPIO-ND/RP/2014 dated 24.4.2014 regarding supply of copies of Dak register in respect of Hon'ble President office, CESTAT, New Delhi from 1.1.2014, as asked for in the RTI Application No.8132/2014 dated 17.4.2014 filed by Shri R.K. Jain, the relevant pages from serial nos.1973 to 2682 of our movement file register (1.1.2014 to 25.4.2014) are enclosed. Further course of action in this regard may be taken at your end please.

2. In so far as providing date-wise details of the tour undertaken by the President, CESTAT from 1.4.2013 is concerned, the same will be available from the office of Registrar, CESTAT, New Delhi.

 28/4/14

(S.C. Das)

Sr.P.S. to Hon'ble President

Total 85 Pages

CPIO, CESTAT, New Delhi.

CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL SOUTH ZONAL BENCH SHASTRI BHAWAN ANNEXE 1ST FLOOR, 26
HADDOWS ROAD, CHENNAI-600 006

RTI.S.I.No.17/2014

dated: 30/04/2014

To

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

Sir,

Sub: RTI Application under RTI ACT 2005- Reg.
Ref: Your Ref No. RTI/P-195/8132/14 dated 17/04/2014 addressed to
CESTAT, New Delhi

With reference to the above referred application, I am to inform you that :-

4 (A) to 4 (E) --- Does not concern with CESTAT, Chennai

4 (F) ---- To enable us to provide the information sought by you are requested
to pay an amount of Rs. 50/- towards the cost of CD for providing the requisite information in
digital format.

Yours faithfully,



(K.S. Ramesh)
SPS/CPIO

Copy to: The Accounts Officer/CPIO, CESTAT, New Delhi 66 for information w.r.t. F.No.
09-60/CESTAT/CPIO-ND/RP/2014 dated 24/04/2014 I.D. No.09-60/14

(20)

F.No. 89-60 CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 7/5/14ID No. 89-60/2014

To,


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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 8132/14 Dt. 17/4/14
and our ID No. 89-60/14, the information received from Registrar, Computer
containing 18 pages is enclosed herewith for your reference Me
please.

You are, therefore, requested to please acknowledge the
receipt and deposit Rs 3645/- (86/- @ 2/- per page) to this Tribunal by
cash or DD in favour of Accounts Officer, CESTAT, New Delhi.


(Rajender Prasad)
Accounts Officer/CPIO

(21)

F.No 7(1)/CESTAT/RTI/Comp.Sec/2014
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.2, R.K. PURAM, NEW DELHI.

Dated: 06.05.2014

Note

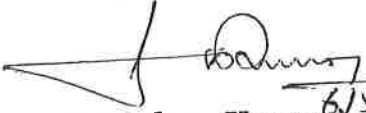
Sub: Information sought under RTI Act'2005-reply-regd.
Refer: RTI/P-195/8132/14/RI0620 Dated 20-01-14
RTI-ID **09-60/2014**

Please refer to note dated 24/04/2014, of CPIO issued vide F.No. 09-60/CESTAT/CPIO-ND/RP/2014 on the captioned subject. The point wise information related to computer section is furnished below.

- F** The digital data in CD for all the appeal/applications pending before CESTAT, New Delhi
- I** 7(1)/CESTAT/RTI/Comp.Sec/2014
- J** The desired copies enclosed (Noting -1, Corres.16). CPIO is requested to ensure that appropriate charges for the copying the enclosure to be collected from the applicant under intimation to this section.

Regarding other queries data may be compiled with registry for better accuracy. As the new software started in 2012, old records may not be updated.

Encl: 01 CD and copies.


(A.Mohan Kumar)
Registrar

To

CPIO/CESTAT, Delhi

Sw. Anja
Indy
06/5/14

1784/CPIO
06/05/2014

F.No. ~~09-604~~ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 13/5/14ID No. 09-604/2014

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 8132/14 Dt. 12/7/14
and our ID No. 09-604/14. the information received from AR, Sec 5C,
containing 01 pages is enclosed herewith for your reference
please.

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


(Rajender Prasad)
Accounts Officer/CPIO

EXCISE BRANCH

ID No. 09-60/2014

To

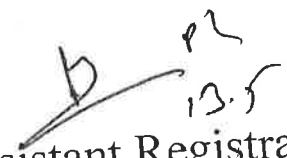
✓ CPIO & Assistant Registrar,
CESTAT, West Block No-2,
R.K. Puram, New Delhi -110066

With reference to your letter No. ID/09-60/2014 dated 24.04.2014.

In this reference to required information furnished as under.

- 4 (A-D) Not pertains to Excise (DB)
- (E) Not maintained.
- (F) Pertains to computer section.
- (G) Not pertains to Excise (DB).
- (H) Not pertains to Excise (DB).
- (I) as shown in (A-H).
- (J) Pertains to RTI Section.

Encl:-


Assistant Registrar
Excise Branch
12.05.2014

Reminder

Announce -9

(24)

F.No. 09-60...../CESTAT/CPIO-ND/RP/2014
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 15/5/14

ID No. 09-60/2014

Subject : Information sought under RTI Act.

Please refer to RTI application No. 8132/14 dated 17/4/14
of Shri R.K. Jain CPIO ID 09-60/14 the requisite information
was called for from you, the same have not been provided by you till dated
despite of letter/~~reminder~~ dated 24/4/14 issued to you as deemed CPIO
under section 6(3) and section 5(4) read with section 5(5) of Right to Information
Act as you are the custodian of the information.

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


Accounts Officer/CPIO

To

AR, Admn

Copy to: ✓ Shri R.K. Jain, 1512 B, Bhishma Pitamah Marg,
Wazir Nagar, N.D-110003.

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

Date of Hearing/decision: 18.06.2014

**Appeal No.09-015(A)/CESTAT/FAA-R.K./2014
CPIO, I.D.No. 09-60/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER No 015/2014

Per Rakesh Kumar:-

The appellant filed an application dt. 17.04.2014 under section 6 of the RTI Act 2005 requesting for the following information:-

- (A) Please provide copies of daily diary and dak receipt register of the Assistant Registrar (Admn.) from 01.01.2014 till date of providing the information.
- (B) Please provide copies of the dak receipt register of the office of the President CESTAT the Registrar CESTAT from 01.01.2014 till date of providing the information.
- (C) Please provide copies of all note sheets and correspondence pages of File No. 27(03)-Trf. Policy/CESTAT/Admn./08 dt. 26.03.2014.
- (D) Please provide note sheets of the roaster files of the year 2013 & 2014.
- (E) Please provide list of cases in which the cost has been imposed by the President CESTAT during the year 2012, 2013 & 2014.
- (F) Please provide the digital data for all the appeal/applications pending before all the benches of the CESTAT including New Delhi, Mumbai, Chennai, Kolkata, Bangalore and Ahmadabad.
- (G) Please provide the list of Circuit benches held from 01.01.2013 till the date of providing the information and provide copies of all note

24-6-14
ISSUANCE
SIGN. DESK. SECTION
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110008

sheets and correspondence pages in relation to holding of such circuit benches.

(H) Please provide datewise details of the tours undertaken by the President CESTAT from 01.04.2013 till date of providing the information.

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

(J) 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.

1.1 Being not satisfied with the reply of the CPIO in as much as while in respect of certain points the information had not been supplied at all, in respect of other points the information supplied was incomplete, this appeal has been filed.

2. Heard both the sides.

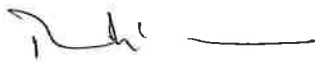
3. After hearing both the sides, the following order is passed in respect of this appeal.

3.1 Since information in respect of points 'A', 'C', 'I' & 'J' has been provided, no further action is required in respect of these points.

3.2 As regards point "B", the copies of dak receipt register of the office of the President, CESTAT, and the Registrar, CESTAT from 01.01.2014 to 18.06.2014 may be provided within two week's time.



- 3.3 As regards point 'D', the necessary documents-copies of note sheets of the ~~master~~ files of the year 2013 & 2014 may be provided to the applicant within two week's time.
- 3.4 As regards point 'F' regarding the digital data for all the appeals/applications pending before various benches of the Tribunal including regional benches, either hard copy of the information may be provided or password may be provided immediately to enable the applicant to access ~~to~~ the information furnished on CD, as the applicant's complaint is password has not been provided and without password, he could not access ~~to~~ the information provided in the CD.
- 3.5 As regards points 'G' & 'H', the required information may be provided within two week's time.
4. As regards point 'E', the applicant is not pressing for this information and hence no further action is required.


(Rakesh Kumar)
Member(Technical)

To

1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg
Wazir Nagar, New Delhi-110 003.
2. Copy to CPIO.

