

Dy. No. 2278/14-02

30/6/14.

Appeal No. 09-031(A)/2014

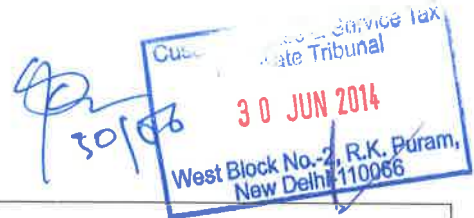
**First Appeal under Section 19 of the Right to Information Act, 2005
against Deemed Refusal**

Ref. No. : RTI/P-537/(8312/14)/Appeal/15268

Dated : 28-06-2014

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 Rajender Prasad CPIO & Accounts Officer |
| | | (b) Address | Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K. Puram, New Delhi - 110066 |
| | Date of submission of application (Copy of application attached) | 13-05-2014 | |
| 3. | Details of the order appealed against | Deemed Refusal | |
| 4. | Prayer or relief sought | See Prayer clause at the end | |
| 5. | Last date for filing the appeal | 13-07-2014 | |
| 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 13-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 13-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 16-5-2014. (Annexure-3) | |

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 13-05-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide the following information in relation to Appeal Nos . (i) ST/61/2008 & ST/62/2008 (HCL Infosystem Ltd.) (ii) ST/832/2008 (Jabalpur Motors Ltd.) (iii) ST/841/2010 (Galileo India Pvt. Ltd.) (iv) ST/97/2012 (Sachdeva Roadlines)

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

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

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

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

(v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.

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

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

(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.

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

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

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

- (3) That the appellant received letter dated 13-5-2014 (**Annexure-2**) of Shri Rajender Prasad, Accounts Officer & CPIO, CESTAT, New Delhi. The Appellant vide letter dated 16-5-2014 (**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.

GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of Shri Rajender Prasad, Accounts Officer & 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 : 28-06-2014

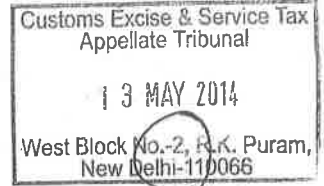
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8312/14

Dated : 13-5-2014

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 the following information in relation to Appeal Nos. (i) ST/61/2008 & ST/62/2008 (HCL Infosystem Ltd.) (ii) ST/832/2008 (Jabalpur Motors Ltd.) (iii) ST/841/2010 (Galileo India Pvt. Ltd.) (iv) ST/97/2012 (Sachdeva Roadlines) (i) Copies of all Order Sheets / Record of Proceedings. (ii) Copies of all the notes put up by the registry with orders thereon. (iii) Copies of any order/directions for out of turn listing of the matter (iv) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon. (v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR. (vi) Copies of all notice of hearing issued to parties. (vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama. |

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| | | |
|----|--|---|
| | | <p>(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>(C) Please provide list of files from which the information as sought above is provided by you</p> <p>Note:-Please provide point-wise information/ response for each of above points.</p> |
| 5. | I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest. | |
| 6. | A Postal Order No. 23F 432655 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/—8312
asn

(7)

F.No. 09-76 /CESTAT/CFIO-ND/RP/2014
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 13/5/14ID No. 09-76/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 8312/14 dated
13/5/14 (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. 8312/14 dated 13/5/14 CPIO ID No 09-76/14 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 28/5/14 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 AR, Customs & SF

2 _____

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

Copy to

o/c

TIME BOUND

RTI

ANNEXURE-3

8

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

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

RTI/P-195/8312/14/R10962
16-05-2014

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

13 MAY 2014
Taj/ty

Sub: My RTI Application No. RTI/8312/14, dated 13/5/2014

Dear Sir,

This refers to the letter I.D.No. 09-76/2014 dated 13-5-2014 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]

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

Date of Hearing/decision: 22.08.2014

**Appeal No.09-031(A)/CESTAT/FAA-RK/ND/2014
CPIO, I.D. NO. 09-076/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 033/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.13.05.2014 has sought the following information:-

"Details of information required:

- (A) Please provide the following information in relation to Appeal Nos. (i) ST/61/2008 & ST/62/2008, (HCL Infosystem Ltd.), (ii) ST/832/2008 (Jabalpur Motors Ltd.), (iii) ST/841/2010 (Galileo India Pvt. Ltd.) & (iv) ST/97/2012 (Sachdeva Roadlines)
- (i) Copies of all Order Sheets/Record of Proceedings.
- (ii) Copies of all the notes put up by the registry with orders thereon.
- (iii) Copies of any order/directions for out of turn listing of the matter.
- (iv) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.
- (v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.

3-9-14
ISSUED ON
SIGN (DEPUTY COMMISSIONER)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110048

- (vi) Copies of all notice of hearing issued to parties.
- (vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.
- (B) After providing above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.
- (C) Please provide list of files from which the information as sought above is provided by you.

2. Since the information was not received within the stipulated period, this appeal has been filed.

3. Heard both the sides.

4. At the time of hearing the CPIO states that the information complete in all respect, has been furnished and the appellant acknowledges that the information has been received and he is satisfied with the same. Accordingly the appeal is dismissed as not pressed.


(Rakesh Kumar)
Member(Technical)

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

3. office copy

NY No 2275/ur-cn

30/6/14

Appeal No. 03-032(A)

1/2014

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

Ref. No. :RTI/P-537/(8315/14)/Appeal/15269

Dated : 28-06-2014

SPS to AA
To
30/6/14
1/7/14

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) | 14-05-2014 | |
| 3. | Details of the order appealed against | Deemed Refusal | |
| 4. | Prayer or relief sought | See Prayer clause at the end | |
| 5. | Last date for filing the appeal | 14-07-2014 | |
| 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 14-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 16-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 19-5-2014. (Annexure-3) | |

PH
30/7/14

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 14-05-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide the following information in relation to (i) Appeal No ST/194/2012, ST/195/2012, ST/196/2012 [Steel Strip Wheels] (ii) ST/55691, 55692 & 55693 of 2013 [Singh & Co.] and (iii) ST/57240/2013 [Microsoft Corporation]

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

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

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

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

(v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.

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

(vii) Copies of any Court directions/orders received in the aforesaid matter.

(viii) Copy of compliance report, if any and current status of the case with next Date of hearing.

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

(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.

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

(D) *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 16-5-2014 (**Annexure-2**) of Shri Rajender Prasad, Accounts Officer & CPIO, CESTAT, New Delhi. The Appellant vide letter dated 19-5-2014 (**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.

GROUND OF APPEAL

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

4

larger period, thus could have easily been provided by the learned CPIO.

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

PRAYER

Under the circumstances, the appellant prays as under:

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

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

Place : New Delhi
Dated : 28-06-2014

o/c

ANNEXURE-1Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8315/14

Dated : 14-5-2014

To

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

Customs Excise & Service
Appellate Tribunal

15 MAY 2014

West Block No. 2
New Delhi

| | | |
|----|---------------------------------|---|
| 1. | Name of the Applicant | R.K. Jain |
| 2. | Address | 1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003 |
| | (b) Phone Nos. | 09810077977, 011-24651101, 011-24690707 |
| | (c) Fax No. | 011-24635243 |
| 3. | Whether a Citizen of India | Yes |
| 4. | Particulars of Information | |
| | Details of information required | <p>(A) Please provide the following information in relation to (i) Appeal No ST/194/2012, ST/195/2012, ST/196/2012 [Steel Strip Wheels] (ii) ST/55691, 55692 & 55693 of 2013 [Singh & Co.] and (iii) ST/57240/2013 [Microsoft Corporation]</p> <p>(i) Copies of all Order Sheets / Record of Proceedings.</p> <p>(ii) Copies of all the notes put up by the registry with orders thereon.</p> <p>(iii) Copies of any order/directions for out of turn listing of the matter</p> <p>(iv) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.</p> <p>(v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.</p> <p>(vi) Copies of all notice of hearing issued to parties.</p> <p>(vii) Copies of any Court directions/orders received in the aforesaid matter.</p> |

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| | |
|----|---|
| | <p>(viii) Copy of compliance report, if any and current status of the case with next Date of hearing.</p> <p>(ix) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p> <p>(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>(C) Please provide list of files from which the information as sought above is provided by you</p> <p>(D) 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. 23F 432612 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable. |
| 7. | As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application. |



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

Place : New Delhi
Encl. : as above

F.No. 09-79...../CESTAT/CPIO-ND/RP/2014
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 16/5/14

ID No. 09-79/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R. K. Jain
 Under RTI Act 2005 vide No. 8315/2014 dated
14/5/14 (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. 8315/14 dated 14/5/14 CPIO ID No 09-79/2014 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 28/5/14 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 AR, Customs & SF,

2 _____

Copy to ³ Shri R. K. Jain, 15/12B, Bhupinder Park, Hg,
Wazir Nagar, New Delhi-110003.

o/c (8)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

ANNEXURE-3

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

RTI/P-195/8315/14/R10986
19-05-2014

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

Sub: My RTI Application No. RTI/8315/14, dated 14/5/2014

Dear Sir,

This refers to the letter F. No.09-79/CESTAT/CPIO-ND/R.P./2014 dated 16-5-2014 of Mr. Rajender Parsad, CPIO & Accounts Officer, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) and 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

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

Date of Hearing/decision: 22.08.2014

Appeal No.09-032(A)/CESTAT/FAA-RK/ND/2014
CPIO, I.D. NO. 09-079/CESTAT/CPIO-ND/RP/2014

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER

034/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.14.05.2014 has sought the following information:-

"Details of information required:

(A) Please provide the following information in relation to Appeal Nos. (i) ST/194/2012, ST/195/2012, ST/196/2012 [Steel Strip Wheels], (ii) ST/55691,55692 & 55693/2013 [Singh & Co.] and (iii) ST/57240/2013 [Microsoft Corporation].

(I) Copies of all Order Sheets/Record of Proceedings.

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

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

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

3-9-14
ISSUED ON
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110055


- (v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.
 - (vi) Copies of all notice of hearing issued to parties.
 - (vii) Copies of any Court directions/orders received in the aforesaid matter.
 - (viii) Copy of compliance report, if any and current status of the case with next Date of hearing.
 - (ix) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.
- (B) After providing above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.
- (C) Please provide list of files from which the information as sought above is provided by you.
- (D) 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. Since the required information was not received within the stipulated period, this appeal has been filed.

3. Heard both the sides.



4. At the time of hearing the CPIO states that the information is in process and the same ^{is} yet to be send. Accordingly he is directed to furnish the required information complete with all respect, 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.

✓ 3. office copy

DT. No. 2274/14 cr
30/6/14

Appeal No. 09-033(A)/2014

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

Ref. No. : RTI/P-537/(8318/14)/Appeal/15270

Dated : 28-06-2014



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 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) | 15-05-2014 | |
| 3. | Details of the order appealed against | Deemed Refusal | |
| 4. | Prayer or relief sought | See Prayer clause at the end | |
| 5. | Last date for filing the appeal | 15-07-2014 | |
| 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 15-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 20-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 21-5-2014. (Annexure-3) | |

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 15-05-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) Please provide the following information in relation to Appeal Nos. (i) ST/55892/2013 (ACL Mobiles Ltd.) (ii) ST/594/2014 (Nortel Network India Pvt. Ltd.) (iii) ST/5889/2013 (SBI Cards and Payment Services Pvt. Ltd.)
- (i) Copies of all Order Sheets / Record of Proceedings.
 - (ii) Copies of all the notes put up by the registry with orders thereon.
 - (iii) Copies of any order/directions for out of turn listing of the matter
 - (iv) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.
 - (v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.
 - (vi) Copies of all notice of hearing issued to parties.
 - (vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.
- (B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.
- (C) Please provide list of files from which the information as sought above is provided by you.
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the

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

- (3) That the appellant received letter dated 20-5-2014 (**Annexure-2**) of Shri Rajender Prasad, Accounts Officer & CPIO, CESTAT, New Delhi. The Appellant vide letter dated 21-5-2014 (**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.

GROUND OFS 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, Accounts Officer & 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

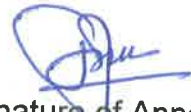
Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.

- (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 : 28-06-2014

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

Ref. No. :RTI/P-195/8318/14

Dated : 15-5-2014

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 the following information in relation to Appeal Nos (i) ST/55892/2013 (ACL Mobiles Ltd.) (ii) ST/594/2014 (Nortel Network India Pvt. Ltd.) (iii) ST/5889/2013 (SBI Cards and Payment Services Pvt. Ltd.)</p> <p>(i) Copies of all Order Sheets / Record of Proceedings.</p> <p>(ii) Copies of all the notes put up by the registry with orders thereon.</p> <p>(iii) Copies of any order/directions for out of turn listing of the matter</p> <p>(iv) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.</p> <p>(v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.</p> <p>(vi) Copies of all notice of hearing issued to parties.</p> <p>(vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p> |

6

| | | |
|----|--|--|
| | | <p>(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>(C) Please provide list of files from which the information as sought above is provided by you.</p> <p>Note:-Please provide point-wise information/ response for each of above points.</p> |
| 5. | I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest. | |
| 6. | A Postal Order No. 23F 432615 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/-----8318
asn

F.No....09-82..../CESTAT/CPIO-ND/RP/2013
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/05/14

ID No. 09-82/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R. K. Jain
 Under RTI Act 2005 vide No. 8318/14 dated
15.05.14 (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. 8318/14 dated 15/05/14 CPIO ID No 09-82/14 is
 forwarded herewith to the following officers as deemed CPIO with the
 request to provide correct and para-wise information/inspection on or
 before 30/05/14 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 AD Customs | ST CESTAT N. Delhi

2 _____

3 _____

✓ Copy for information to:-

Sh R. K. Jain

15-9144 1512-B BHISHAM PITAMAH MARG,

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

o/c
ANNEXURE-3

TIME BOUND

RTI

Customs Excise & Service Tax
Appellate Tribunal

22 MAY 2014

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

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

RTI/P-195/8318/14/R11018
21-05-2014

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/8318/14, dated 15/5/2014

Dear Sir,

This refers to the letter ID No.09-82/2014 dated 20-5-2014 of Mr. Rajender Prasad, CPIO, 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]

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

Date of Hearing/decision: 22.08.2014

**Appeal No.09-033(A)/CESTAT/FAA-RK/ND/2014
CPIO, I.D. NO. 09-082/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER

035/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.15.05.2014 has sought the following information:-

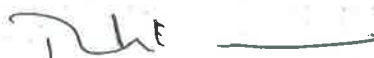
"Details of information required:

- (A) Please provide the following information in relation to Appeal Nos. (i) ST/55892/2013 (ACL Mobiles Ltd.) (ii) ST/5889/2013 (SBI Cards and Payment Services Pvt. Ltd.)
- (i) Copies of all Order Sheets/Record of Proceedings.
- (ii) Copies of all the notes put up by the registry with orders thereon.
- (iii) Copies of any order/directions for out of turn listing of the matter.
- (iv) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.
- (v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.

3-9-14
ISSUED ON

SIGN (DIRECTOR)
CUSTOMS, EXCISE & SERVICE
TAXES APPELLATE TRIBUNAL
NEW DELHI

- (vi) Copies of all notice of hearing issued to parties.
 - (vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.
 - (B) After providing above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.
 - (C) Please provide list of files from which the information as sought above is provided by you.
2. Since the required information was not furnished by the appellant within the stipulated period, this appeal has been filed.
3. Heard both the sides.
4. At the time of hearing the CPIO states that the information is in process, would be submitted shortly. The CPIO accordingly directed to furnish the required information complete with all respect, 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.

LB office copy

DY. No. 2278/2014-cr

30/6/14

Appeal No. 03-034(A)/2014

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

Ref. No. : RTI/P-537/(8319/14)/Appeal/15271

Dated : 28-06-2014

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 Rajender Prasad CPIO & Accounts Officer |
| | | (b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K. Puram, New Delhi - 110066 |
| 2. | Date of submission of application (Copy of application attached) | 16-05-2014 |
| 3. | Details of the order appealed against | Deemed Refusal |
| 4. | Prayer or relief sought | See Prayer clause at the end |
| 5. | Last date for filing the appeal | 16-07-2014 |
| 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 16-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 20-5-2014. (Annexure-2) 3. Copy of Appellants' Reminder letter dated 21-5-2014. (Annexure-3) |

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 16-05-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide the following information in relation to Appeal Nos . (i) ST/781/2012 (Gecas Services India Pvt. Ltd.) (ii) ST/2335/2012 (Nortel Networks India Pvt. Ltd.)*

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

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

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

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

(v) *Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.*

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

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

(B) *After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.*

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

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

CPIO in question.

- (3) That the appellant received letter dated 20-5-2014 (**Annexure-2**) of Shri Rajender Prasad, Accounts Officer & CPIO, CESTAT, New Delhi. The Appellant vide letter dated 21-5-2014 (**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.

GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of Shri Rajender Prasad, Accounts Officer & 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 : 28-06-2014

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

Ref. No. : RTI/P-195/8319/14

Dated : 16-5-2014


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 the following information in relation to Appeal Nos. (i) ST/781/2012 (Gecas Services India Pvt. Ltd.) (ii) ST/2335/2012 (Nortel Networks India Pvt. Ltd.) (i) Copies of all Order Sheets / Record of Proceedings. (ii) Copies of all the notes put up by the registry with orders thereon. (iii) Copies of any order/directions for out of turn listing of the matter (iv) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon. (v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR. (vi) Copies of all notice of hearing issued to parties. (vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama. |

6

| | |
|----|--|
| | <p>(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>(C) Please provide list of files from which the information as sought above is provided by you.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p> |
| 5. | I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest. |
| 6. | A Postal Order No. 23F 432620 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/-----8319
BSN

F.No. 09-83...../CESTAT/CPIO-ND/RP/2013
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 20/05/14ID No. 09-83/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8319/14 dated
16/5/14 (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. 8319/14 dated 16/05/14 CPIO ID No 09-83/14 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 30.05.14 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 AO Customs / CT CESTAT, N-Delhi.

2 _____

3 _____

✓ Copy for information to:-

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

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

Customs Excise & Service Tax
Appellate Tribunal

22 MAY 2014

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

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

RTI/P-195/8319/14/R11019
 21-05-2014

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/8319/14, dated 16/5/2014

Dear Sir,

This refers to the letter ID No.09-83/2014 dated 20-5-2014 of Mr. Rajender Prasad, CPIO, 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: 22.08.2014

**Appeal No.09-034(A)/CESTAT/FAA-RK/ND/2014
CPIO, I.D. NO. 09-083/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 036/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.16.05.2014 has sought the following information:-

"Details of information required:

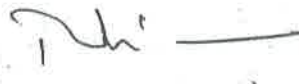
- (A) Please provide the following information in relation to Appeal Nos. (i) ST/781/2012 (Gecas Services India Pvt. Ltd.) (ii) ST/2335/2012 (Nortel Network India Pvt. Ltd.)
- (i) Copies of all Order Sheets/Record of Proceedings.
- (ii) Copies of all the notes put up by the registry with orders thereon.
- (iii) Copies of any order/directions for out of turn listing of the matter.
- (iv) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.
- (v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.

3-9-14
ISSUED ON

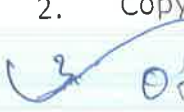
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110055

- (vi) Copies of all notice of hearing issued to parties.
- (vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.
- (B) After providing above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.
- (C) Please provide list of files from which the information as sought above is provided by you.

2. Since the information was not received within the stipulated period, this appeal has been filed.
3. Heard both the sides.
4. At the time of hearing the CPIO states that the information is in process. Accordingly he is directed to furnish the required information complete with all respect 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.

 office copy

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

Appeal No. 09-035(A)/CESTAT/FAA/AW/2014
CPIO ID No. 09-114/CESTAT/CPIO-ND/RP/2014

Date of Hearing: 30.07.2014

Shri J.K. Mittal

Appellants

Vs.

Shri Kripashankar, CPIO

Respondent

ORDER NO. 019/2014

Per Archana Wadhwa:

After hearing the authorized representative Shri Kamal Gupta learned advocate for the appellant and Shri Kripashankar learned representative of the CPIO, I find that the applicant filed an application seeking the following information in respect of matters fixed on 02.12.2013 before said court no 1 of the Tribunal:-

- (a) Total number of matter listed before said court No. 1
- (b) Out of that how many matters were heard and orders passed on 02.12.2013 ?
- (c) Out of that how many matter were heard but orders reserved?

He also sought certified copies for all the orders passed by the Hon'ble Bench in Court No 1 on 02.12.2013 in respect of matters adjourned as well as in respect of matters which did not reach for hearing.

2. The CPIO sought the requisite information from the concerned registry. Inasmuch as the matter listed before court on 02.12.2013



were in respect of service tax mainly, the Assistant Registrar of Service Tax Branch vide his letter dated 18.06.2014 gave all the details. To avoid delay, the said letter of the Assistant Registrar was sent by CPIO to the applicant.

3. Subsequently, CPIO also sought information from the Excise Bench, 4 cases of Excise were also listed before the Hon'ble Bench in Court No. 1 on 02.12.2013. Accordingly, CPIO under the cover of his letter dated 09.07.2014 included those four matters in the total number of cases, which were raised from 25 to 29. As regards the information about the certified copies, the applicant was told that the same are voluminous and will take time as the adjourned matters are listed on various different dates.

4. The present appeal stands by the applicant against the reply of the CPIO vide which the copies of the note sheet orders passed in the case of adjournment or in respect of information which did not reach, does not stand supply.

5. The CPIO is present today and submits that he is procured note sheet copies from the various files and he will give the same to the applicant within a period of one week. In view of the above statement I direct the CPIO to give copies of the note sheet orders of the matters listed before the Hon'ble Bench on 02.12.2013, and which were adjourned or did not reach, within a period of one week from today.

6. The appeal is disposed of in above terms.


(Archana Wadhwa)

Appellate Authority under the RTI Act

To

1. Shri J.K.Mittal, J.K. Mittal & Co., Advocates and legal Consultants, 57,East End Enclave, Delhi-110092.
2. Guard filed/office copy.
3. Copy to CPIO.

dc

518714
ISSUED ON
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110066

Dated 18.07.2014.

C9-35(A)/2014

To, DYMO.2480/C12-14
18/7/14

The First Appellate Authority,
CESTAT.

West Block-2, R.K. Puram-110066.



Subject: Regarding non conduct of hearing
fixed on 18.07.2014.

Dear Madam,



This is to bring to your kind notice that the hearing of First Appeal in the case of J.K. Mittal v. CPIO Cestat, was fixed for 18.07.2014 before Hon'ble First Appellate Authority Ms. Archana Wadhwa.

However, on reaching here for the hearing we were informed that Ms. Archana Wadhwa had already left before the hearing. As therefore, the hearing was not conducted / held despite the presence of the representative of the Appellant. Further, no notice about this change was also given to us in advance from the ~~main~~ concerned authorities.

Neither was our appearance marked for the said hearing, nor was any future date of hearing intimated to us. We were also not informed about the reasons for such behaviour on the part of the authorities.

Hence, we kindly request you to please
mark our appearance and for the hearing
on 18-07-2014 and take necessary actions

Thanking you.

Adv. Devya Sharma. 
Adv. Rajveer Singh. 

Appeal No. 09-036(A) 2014

3

From : Ganesh Behal s/o Piare Lal Behal,
c/o M/s G.M.P. Finishing Mills,
P.O. Khalsa College, Near 22nd railway Crossing,
Amritsar.

To : Ms Archana Wadhwa ji, [The Hon'ble Member { J }, CESTAT],
West Block No.2, R.K.Puram, New Delhi-1100066
Cum- The First Appellate Authority.

Ref : First-Appeal of the RTI Act Inquiry dated 05.06.2014
Sub : Jurisdiction Appellate-authority.

Respected Madam ji,


It is submitted/intimated that an application dt. 05.06.2014 was filled in respect of the information of 'the jurisdiction appellate-authority order passed by the Tribunal, New Delhi-110066 and the parties involves in a case i.e. The Revenue, Chandigarh {Jalandhar} v/s G.M.P. Finishing Mills or vise versa or E/4544/2004-Ex{DB} DT. 15.01.2010 under the RTI Act-2005. { photocopy enclosed }

Now as per reply dt. 24.06.2014 of the RTI application from the PIO, the matter has been referred for appeal before yourself i.e. the Hon'ble Member {J}, CESTAT, West Block No. 2, R. K. Puram, New Delhi-110066.

So kindly accept my appeal and inform me about my RTI Inquiry dt. 05.06.2014 and oblige.

Thanking you.

Dated : 27.06.2014
Place : Amritsar


Yours Sincere,
Ganesh Behal s/o Piare Lal Behal

Enc. 1. RTI application dt. 05.06.2014 & reply letter dt. 17.06.2014,
2. Reply-letter dt. 24.06.2014 from the PIO.



2014
18/7
14

20/7/14
4/7/14

F.No.09-111/CESTAT/CPIO-ND/2014,
Customs, Excise Service Tax, Appellate Tribunal,
West Block No.2, R.K.Puram,
New Delhi-110066.

Dated: 24-06-2014.

To

Shri Ganesh Behal,
S/o Shri Piare Lal Behal,
C/o M/s G M P Finishing Mills,
P.O. Khalsa College,
Near 22nd Railway Crossing,
Amritsar – 143001.

Subject: information under RTI – reg.

Sir,

I am to refer to your RTI application number nil dated 05-7-2014 asking there in information about "the jurisdiction appellate-authority order passed by the Tribunal New Delhi-110066 and the parties involves in a case i.e. the Revenue, Chandigarh (Jalandhar) v/s GMP Finishing Mills or vise versa."

In this connection, it is informed that the details of appellate jurisdiction can be verified/sought from concerned Act.

The IPO No.20F 949503 for Rs.10/- received in excess of RTI fee is returned to you.

If aggrieved, you may file an appeal with First Appellate Authority, Ms. Archana Wadhwa, Hon'ble Member (J), CESTAT, West Block No.2, R.K.Puram, New Delhi-110066.

Yours faithfully,

Encl: as above


(Rajender Prasad)
Accounts Officer/CPIO

CESAT.

FORM NO. 'A'

New Delhi-1100066
~~DISTT AMRITSAR (CITY)~~

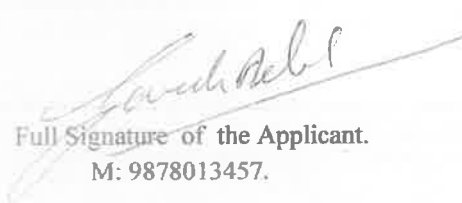
[SEC. RULE 3{1}]

APPLICATION FOR INFORMATION UNDER SECTION 6{1} OF THE ACT-2005

TO : The Assistant Registrar, { Excise Appeal Bench },
Custom, Excise & Service Tax Appellate Tribunal,
West Block No.2, R.K.Puram, New Delhi-1100066
CUM-PUBLIC INFORMATION OFFICER, New Delhi-1100066

1. Full name of the applicant Ganesh Behal s/o PIARE LAL Behal
2. Father/spouse name :do.....
3. Permanent address : c/o M/s G.M.P. Finishing Mills,
P.O. Khalsa College, Near 22ND railway Crossing,
Amritsar-143001.
4. Correspondence address : c/o As Mentioned Above,
AMRITSAR.
5. PARTICULARS OF INFORMATION REQUIRED : Inform about the jurisdiction appellate-authority
order passed by the Tribunal- New Delhi-1100066 and the parties involves in a case i.e. the
Revenue, Chandigarh { Jalandhar } v/s G.M.P. Finishing Mills or vice versa ?
6. Subject matter of information : as mentioned above
 - a. Specific period of information required : SPECIFIC/GENERAL Information
 - b. Specific detail of information : as mentioned above.
 - c. Whether information is required id by post or in By hand
Person { the actual postal charges shall be included in providing information }
 - d. In case by post then indicate whether by ordinary, registered or speed-post.
7. Is this information not made available by
The public authority under voluntary disclosure. N.A.
8. Do you agree to pay the required fees? Yes
9. Have you deposited the application fee ? yes
{ if yes detail of such deposit }
10. Whether belongs to below poverty line category? N.A.
If yes have furnished the proof of the same with
the application?

Place : Amritsar
Date : 05/06/2014.


Full Signature of the Applicant.
M: 9878013457.

Enc.: two postal order no. 20F 949502, 20F 949503 for Rs10/ both { the required fees under the
CT-2005}, which the law provides.

SP WALE CHITRE 043000
EP103 22071 IN
Counter Post, CP-Order1
To: ASSISTANT REGISTRAR, R.K. PURAM
N DELHI, PIN-110006
From: GANESH BEHAL, KH. COL. AGR
Wt: 20gms.
Amt: 37.00, 05/06/2014, 13413

From : Ganesh Behal s/o Piare Lal Behal,
c/o M/s G.M.P. Finishing Mills,
P.O. Khalsa College, Near 22nd railway Crossing,
Amritsar.

To : The Assistant Registrar, { Excise Appeal Bench },
Custom, Excise & Service Tax Appellate Tribunal,
West Block No.2, R.K.Puram, New Delhi-1100066
CUM-PUBLIC INFORMATION OFFICER, New Delhi-1100066

Ref : RTI Act Inquiry dated 05.06.2014

Sub : Jurisdiction Appellate-authority.

Sir,

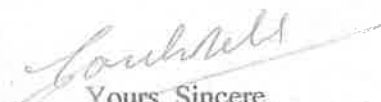
With respect it is intimated in respect of the submitted Appeal Number i.e. E/4544/2004-Ex{DB} dated 15.01.2010, about which the RTI inquiry has been submitted and now it is inquired on mobile by your office person named Shri Sunil Kumar.

So kindly note and inform me about my RTI Inquiry dt. 05.06.2014 and oblige.

Thanking you.

Dated : 17.06.2014

Place : Amritsar


Yours Sincere,
Ganesh Behal s/o Piare Lal Behal

SP KHALSA COLLEGE 141002

EP2722204157M

Counter No. 100-0000000000

To: THE ASSISTANT REGISTRAR, EXCISE & SERVICE TAX APPELLATE

NEW DELHI, PIN-1100066

From: GANESH BEHAL, GMP FINISHING MILL ACR

W-15 Grama,

Amritsar, 141002, 17/06/2014, 14:42

Taxi No. 4-0000000000 on www.indiapost.gov.in



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

Appeal No. 09-036(A)/CESTAT/FAA/AW/2014
CPIO ID No. 09-111/CESTAT/CPIO-ND/RP/2014

Date of Hearing: 30.07.2014

Shri Ganesh Behal

Appellants

Vs.

Shri Kripashankar, CPIO

Respondent

ORDER NO. 020/2014

Per Archana Wadhwa:

Nobody appeared for the appellant I have heard CPIO duly represented Shri Kripashankar Assistant Registrar.

2. The appellant filed an application dated 05.06.2014, seeking the following information:-

"Inform about the jurisdiction appellate-authority order passed by the Tribunal-New Delhi-1100066 and the parties involves in a case i.e. the Revenue, Chandigarh {Jalandhar} v/s G.M.P. Finishing Mills or vice versa?"

3. The said application was considered by CPIO, who vide his letter dated 24.06.2014 informed the applicant that the details of appellate jurisdiction can be verified/sought from concerned Act. He also returned the fee of Rs. 10/-.

4. The present appeal stands filed against the said reply of the CPIO.

5. Apart from the fact that the information sought by the appellant is not clear, I also find that the same is more in the nature of legal advice to be sought from CPIO who has correctly replied that inasmuch



as the information sought relates to the jurisdiction of the appellate-authority the same can be verified or sought from concerned Act.

6. Accordingly, I find no merits in the present appeal and reject the same.


(Archana Wadhwa)

Appellate Authority under the RTI Act

To

1. Shri Ganesh Behan, S/O Shri Piare Lal Behal, C/o M/s. G.M.P.
Finishing Mills, P.O. Khalsa College, Near 22nd Railway
Crossing, Amritsar.
2. Guard filed/office copy.
3. Copy to CPIO.

01c

578114
ISSUED ON
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110066

D-1 NO. 2339/CR-14
7/7/14
34/RK (FAA) 234
7/7/14
Appeal No. 09-037(A)/14
07-07



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

Ref. No. : RTI/P-537/(8426/14)/Appeal/15277

Dated : 04-07-2014

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 A. Mohan Kumar, Registrar and Deemed CPIO |
| | | (b) Address | Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066 |
| 2. | Date of submission of application (Copy of application attached) | 16-06-2014 | |
| 3. | Details of the order appealed against | Letter F. No. 09-121/CESTAT/CPIO-ND/RP/2014 dated 30-06-2014 | |
| 4. | Prayer or relief sought | See Prayer clause at the end | |
| 5. | Last date for filing the appeal | 30-07-2014 | |
| 6. | Whether Appeal in Time. | Appeal in time | |
| 7. | Copies of documents relied upon by the applicant | 1. Copy of RTI Application dated 16-6-2014. (Annexure-1) 2. Copy of CPIO's letter dated 30-6-2014. (Annexure-2) | |

SPS to
Honble FAA

File
Acys

DOIT
01-8-2014
hpy

2

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 16-06-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide a copy of the Report of the Registrar submitted in consequence to Final Order No. 51200-51202 of 2014 dated 20-3-2014, in the case of Jayaprakash Associate V. CCE Delhi.*
- (B) *Please provide the date when the report was submitted and the date when it was placed before the Hon'ble Bench.*
- (C) *Please provide the file No. under which the enquiry in question was conducted by the Registrar and provide copies of all the note sheets which had been put up/prepared in relation to the aforesaid enquiry.*
- (D) *Please provide date-wise details of the action taken in the matter on the report of the Registrar.*
- (E) *Please provide current status of the Enquiry.*
- (F) *Please provide copy of the explanation of the defaulting Officer and the recommendation of the Registrar thereon and Bench Order.*

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

(3) That Shri Rajender Prasad, CPIO & Accounts Officer 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 OFS OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri Rajender Prasad, CPIO & Accounts Officer 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 CPIO has not provided point-wise information as sought by the appellant, therefore the matter may be remanded to him for providing point-wise information.
- (4) That Shri Rajender Prasad, CPIO & Accounts Officer and Shri A. Mohan Kumar, Registrar and Deemed CPIO have deliberately and malafidely not provided the information and copies of the documents as sought in Point (D) & (F) 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.
- (5) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (6) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (7) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or

refused to the appellant.

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

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) That 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 : 04-07-2014

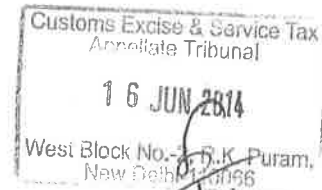
Application under Section 6 of the Right to Information Act, 2005

Ref. No. : RTI/P-195/8426/14

Dated : 16-6-2014

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 a copy of the Report of the Registrar submitted in consequence to Final Order No. 51200-51202 of 2014 dated 20-3-2014, in the case of Jayaprakash Associate V. CCE Delhi.</p> <p>(B) Please provide the date when the report was submitted and the date when it was placed before the Hon'ble Bench.</p> <p>(C) Please provide the file No. under which the enquiry in question was conducted by the Registrar and provide copies of all the note sheets which had been put up/prepared in relation to the aforesaid enquiry.</p> <p>(D) Please provide date-wise details of the action taken in the matter on the report of the Registrar.</p> <p>(E) Please provide current status of the Enquiry.</p> <p>(F) Please provide copy of the explanation of the defaulting Officer and the recommendation of the Registrar thereon and Bench Order.</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. 23F 433892 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable. |
| 7. | As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application. |

Place : New Delhi

Encl. : as above

mn8426


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

(7)

F No 09-121/CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated---30/6/14

ID No. 09-121-2014

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. ~~8426/14~~ Dt. ~~16/7/14~~
and our ID No. ~~09-121/14~~. the information received from ~~Rajender Kumar, CESTAT~~
containing ~~01~~ pages is enclosed herewith for your reference
please.

You are, therefore, requested to please acknowledge the
receipt and deposit Rs. ~~02/-~~ (@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

8

RTI No. 09-121/2014

With reference to RTI No. 09-121/2014 it is submitted that report of Registrar is enclosed herewith. The file was submitted by the Assistant Registrar, Customs Division Bench on 28.03.2014. Report was placed before the Bench on 04.04.2014 which is enclosed herewith (1 page). After the hearing held on 4.4.14 the file was directly sent to concerned Bench registry matter was not placed before the Registrar.


Registrar 27/6

CPIO
CESTAT
New Delhi





1907/CPIO
30/06/2014

(9)

C/530/09 and others

M/s Jai Prakash Associates & others

In furtherance to the direction of the Hon'ble Bench dated ...the records were placed before the under signed on 28.03.14. and on perusal of the records, the under signed found following lapses on the part of Bench Registry;

- a. Direction was issued to issue notice to the cases by fixing hearing dates from the 1st week of Dec., 2013 to 31st Dec., 2013 and intimating to the parties clearly that no adjournment shall be granted and if adjournment asked for, stay order passed in those matters shall stand vacated.
- b. The registry is directed to apprise the Hon'ble President about this order to consider formation of the Bench since interest of Revenue cannot be sacrificed in view of the current economic position in the country.

On perusal of the records and the note of the Assistant Registrar even though Misc application were filed by the Revenue in some of the matters after the direction dated 29.10.13 was issued. The applications were listed on various dated in January and March 2014 and some cases it was listed in November 2013 itself. Two matters namely C/499/2011 and C/154-159/2006 were decided vide final order No. 1. C/362-364/12 and 2. 202-207/06. whereas C/4/07 and C/151-159/10 wherein misc application were listed on 29.10.2013 but registry could not trace the file, which now they have traced.

From the above it may be seen and noted that registry has not complied with the direction of the Hon'ble Bench by not listing the Misc application of pending cases during December 2013 other than the disposed off matters.

It is further stated that the registry has not placed the file before the Hon'ble President for constitution of special bench to decide the high stake matter particularly the list shown in the order dated 29.10.13. However for this the Assistant Registrar has unconditionally tender his apology and admitted that it is a bonafide mistake on the part of the registry.

Submitted for perusal and orders please.


Registrar 31/3/14

*seen above. Registry to keep
record. Further concerned officials to
be advised to careful in future*

Dated 7/4/2014. *my*
4.4.2014

439/12
3/13

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

Date of Hearing/decision: 22.08.2014

**Appeal No.09-037(A)/CESTAT/FAA-RK/ND/2014
CPIO, I.D. NO. 09-121/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER

037/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.16.06.2014 has sought the following information:-

"Details of information required:

- (A) Please provide a copy of the Report of the Registrar submitted in consequence to Final Order No. 51200-51202/2014 dt.20.03.2014, in the case of Jayaprakash Associate Vs. CCE Delhi.
- (B) Please the date when the report was submitted and the date when it was placed before the Hon'ble Bench.
- (C) Please provide the file No. under which the enquiry in question was conducted by the Registrar and provide copies of all the note sheets which had been put up/prepared in relation to the aforesaid enquiry.
- (D) Please provide date wise details of the action taken in the matter on the report of the Registrar.

3-9-14
ISSUED ON

SIGN. (DESPATCH SECTION)
**CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL**

- (E) Please provide the current status of the enquiry.
- (F) Please provide copy of the explanation of the defaulting Officer and the recommendation of the Registrar thereon and Bench Order.

2. Since the information was not received within the stipulated period, this appeal has been filed.

3. Heard both the sides.

4. At the time of hearing while the CPIO states that the information had been sent, the appellant acknowledges that the information has been received and he is satisfied with the same. Accordingly the appellant is dismissed as not pressed.



(Rakesh Kumar)
Member(Technical)

To

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

3. office copy

Appeal No. 09-038(A)/2014

33/R/K/AA/2014

D-110-2338/CK-14
7/7/14

7/7/14

①

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

Ref. No. : RTI/P-537/(8406/14)/Appeal/15276

Dated : 04-07-2014

SDS to
Honble PAA To

Shri Rakesh Kumar, Member (T)
1st Appellate Authority Under RTI Act, 2005,
Customs, Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066

Customs Excise & Service
Appellate Tribunal

07 JUL 2014

West Block No. 2, R.K.Puram,
New Delhi - 110066
07/07

7/7/14

A. Contact Details :

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

B. Details About RTI Request :

| | | |
|----|---|--|
| 1. | Particulars of the CPIO against whose order appeal is preferred | (a) Name Shri Rajender Prasad CPIO & Accounts Officer |
| | | (b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066 |
| 2. | Date of submission of application (Copy of application attached) | 06-06-2014 |
| 3. | Details of the order appealed against | ID No. 09-106/2014 dated 26-6-2014 |
| 4. | Prayer or relief sought | See Prayer clause at the end |
| 5. | Last date for filing the appeal | 26-7-2014 |
| 6. | Whether Appeal in Time. | Appeal in time |
| 7. | Copies of documents relied upon by the applicant | 1. Copy of RTI application dated 6-6-2014. (Annexure-1) 2. Copy of CPIO's reply dated 26-6-2014. (Annexure-2) |

CP/0
17
7/7

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 06-06-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide copies of the worksheets for the monthly statement of institution, disposal and pendency of Appeals and Applications from 01.10.2013 till the date of providing the information.*

(B) *Please provide list of the files in which the details of the monthly disposal, institution and pendency of appeals and applications from 01.01.2010 till the date of providing the information is dealt with.*

(C) *Please provide the monthly disposal figures of all the members of the CESTAT including Zonal Benches and also for the President and Vice President from 01.11.2013 till the date of providing the information.*

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

GROUND OF APPEAL

(1) That the order in question of the CPIO is incorrect and illegal and contrary

- to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
 - (3) The CPIO and the Deemed CPIO have not provided the complete and correction information in relation to Point (A) & (C) 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 the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
 - (5) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
 - (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
 - (7) That a personal hearing may be granted to the appellant before deciding the present appeal.
 - (8) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

4

-4-

- (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 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 : 04-07-2014

D/C

ANNEXURE- 1

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

Ref. No. : RTI/P-195/8406/14

Dated : 6-6-2014

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 copies of the worksheets for the monthly statement of institution, disposal and pendency of Appeals and Applications from 01.10.2013 till the date of providing the information.</p> <p>(B) Please provide list of the files in which the details of the monthly institution, disposal and pendency of appeals and applications from 01.01.2010 till the date of providing the information is dealt with.</p> <p>(C) Please provide the monthly disposal figures of all the members of the CESTAT including Zonal Benches and also for the President and Vice President from 01.11.2013 till the date of providing the information.</p> <p>(D) Please provide list of files from which the information as sought above is provided by you</p> <p>(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.</p> <p>Note:-Please provide point-wise information/ response for each of above points.</p> |

6

| | |
|----|--|
| 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. 23F 432760 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable. |
| 7. | As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application. |



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

Place : New Delhi

Encl. : as above

mn8406

ANNEXURE-2

F.No 09-106 CESTAT/CPIO-ND/RP/2014

Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 26-06-2014

ID No. 09-106/2014

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. 8406/14 Dt. 06-06-2014
and our ID No. 09-106/14, the information received from T.O. (CR)
containing 32 pages is enclosed herewith for your reference
please.

You are, therefore, requested to please acknowledge the
receipt and deposit Rs. 64/- @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

Recd to 67 on
30/6/14

V-10325
General Pile

CENTRAL REGISTRY

Dated 24.06.2014

106
I.D. NO. 09-~~113~~/2014

To,

The CPIO/Accounts Officer
CESTAT, New Delhi.

Sir,

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

Please refer to note dated 06/06/2014 of CPIO enclosing RTI application of Sh. R.K. Jain seeking information mentioned therein.

Reply to (A) : Central Registry compiles and issues monthly statement of institution, disposal and pendency of Appeals and Applications based on data provided by various Benches of CESTAT. No worksheet as such is prepared or maintained for the purpose.

Reply to (B) : The details of the monthly institutions, disposal and pendency of appeals and applications is being dealt in F.No. 06/CESTAT/2014-15-CR.

Reply to (C) : CR is not in possession of the information sought. Hence, the information may be retrieved from the relevant section/department.

Reply to (D) : Information sought is sourced from F.No. 06/CESTAT/2014-15-CR.

Reply to (E) : Photocopies of all notesheets and correspondence pages of the RTI file is enclosed.

(Sunil Kumar)
Technical Officer

1904/CPIO
25/06/2014

9

Central Registry

PUC is a letter no 07/01/CESTAT/CPIO-ND/KS/2013 dt 3/1/2013 received from Sh Kripa Shankar, CPIO regarding Information sought by Sh R.K.Jain under RTI ACT ,2005.

In this regard the following reply to Para 4(A) and 4(c) of the RTI application no RTI/p-195/463/12 dt 24/12/2012 of Sh R.K. Jain as under:-

The Central Registry has been directed to facilitate inspection of documents related to the information sought by R.K.jain vide the said application on 15/1/2013 during office hours.

If approve, the above reply may be forward to Sh R.K.Jain for further necessary action Please.

Submitted for approval

Apd
11/1/13

Sp *07/01/13*
(Sanil Kumar)
Technical Officer

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

Date of Hearing/decision: 22.08.2014

Appeal No.09-038(A)/CESTAT/FAA-RK/ND/2014
CPIO, I.D. NO. 09-106/CESTAT/CPIO-ND/RP/2014

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 038/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.06.06.2014 has sought the following information:-

"Details of information required:

- (A) Please provide copies of the work sheets for the monthly statement of institution, disposal and pendency of Appeals and Applications from 01.10.2013 till the date of providing the information.
- (B) Please provide list of the files in which the details of the monthly disposal, institution and pendency of appeals and applications from 01.10.2010 till the date of providing the information is dealt with.

3-9-14
ISSUED ON
SIGN: (DEPUTY CHIEF SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110054

- (C) Please provide the monthly disposal figures of all the members of the CESTAT including Zonal Benches and also for the President and Vice President from 01.11.2013 till the date of providing the information.
- (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. Since the appellant is not satisfied with the information furnished, this appeal has been filed.

3. Heard both the sides.

4. The information in respect of point 'B', 'D' and 'E' has been provided. As regards required information in respect of point 'A' and point 'C', the same may be provided within two weeks' time.


(Rakesh Kumar)
Member(Technical)

To

1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg

2.  Office Copy

Appeal No. 09-039(A)/2014

Dy No. 2309/CR-14
4/7/14

32/RK(PAM)/2014
4/7/14

①

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

Ref. No. : RTI/P-537/(8368/14)/Appeal/15209

Dated : 02-07-2014

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, Accounts Officer/CPIO (2) Mrs. Seema Sadana, SPS to M(J-AW) and Deemed CPIO (b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K. Puram, New Delhi - 110066 |
| 2. | Date of submission of application (Copy of application attached) | 26-05-2014 |
| 3. | Details of the order appealed against | Letter F.No.09-94/CESTAT/CPIO-ND/RP/2014 dated 10-06-2014 |
| 4. | Prayer or relief sought | See Prayer clause at the end |
| 5. | Last date for filing the appeal | 10-07-2014 |
| 6. | Whether Appeal in Time. | Appeal in time |
| 7. | Copies of documents relied upon by the applicant | 1. Copy of RTI Application dated 26-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 10-6-2014. |

CPIO
13
7/7

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 26-05-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) Please provide list of cases in which the Orders were reserved by the Bench of Hon'ble President (Single Member+DB+Larger Bench) from 1-12-2013 till the date of providing the information.
- (B) Please provide list of cases in which the orders were reserved but which are pending for pronouncement as on 23-5-2014 for the Benches presided over by the Hon'ble President, Mrs. Archana Wadhwa, Member (J), Shri D.N. Panda, Member (J), Shri Rakesh Kumar, Member (T) and Shri Manmohan Singh, Member (T).
- (C) Please provide list of cases in which decisions were pronounced but written orders still remain to be passed and issued as on 23-5-2014 for the Benches presided over by the Hon'ble President, Mrs. Archana Wadhwa, Member (J), Shri D.N. Panda, Member (J), Shri Rakesh Kumar, Member (T) and Shri Manmohan Singh, Member (T).
- (D) Please provide list of cases which have been marked by the Bench of the Hon'ble President to Shri Rakesh Kumar, Member (T) for orders and to Shri Manmohan Singh, Member (T).
- (E) Please provide list of cases which have been retained by the Hon'ble President with him for orders.
- (F) Please provide list of the orders which have been despatched beyond 10 days of their passing and please also indicate the days taken at the level of the PS to the Member and the Assistant Registrar of concerned Bench and the Despatch Section. The information may be provided for the orders passed after 1-10-2013 till the date of providing information. Information can be provided in the form it is

suitable and convenient to you and may be provided for all the Benches of the CESTAT at Delhi.

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

(H) 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 the Deemed CPIO have deliberately and malafidely provided incomplete and incorrect information. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND'S 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, has not provided the complete and correct information as sought in Point (B) to (F) 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 the Deemed CPIO by her order dated 05.06.2014 has denied the information as sought in Point (A) & (B) of the RTI Application in relation to Mrs. Archana Wadhwa, Hon'ble Member (J) on the ground that Hon'ble Member is on leave till 20.06.2014. The Deemed CPIO is suppressing the information inasmuch as all the records and files are in the office, therefore the information should have been provided from the records. Therefore, the order of the Deemed CPIO is incorrect and illegal and liable to be set aside and the Deemed 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 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 : 02-07-2014

ole

ANNEXURE-1

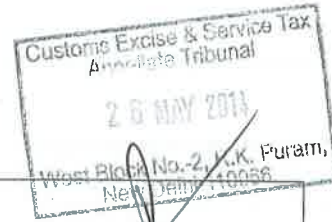
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8368/14

Dated : 26-5-2014

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 Orders were reserved by the Bench of Hon'ble President (Single Member+DB+Larger Bench) from 1-12-2013 till the date of providing the information.</p> <p>(B) Please provide list of cases in which the orders were reserved but which are pending for pronouncement as on 23-5-2014 for the Benches presided over by the Hon'ble President, Mrs. Archana Wadhwa, Member (J), Shri D.N. Panda, Member (J), Shri Rakesh Kumar, Member (T) and Shri Manmohan Singh, Member (T).</p> <p>(C) Please provide list of cases in which decisions were pronounced but written orders still remain to be passed and issued as on 23-5-2014 for the Benches presided over by the Hon'ble President, Mrs. Archana Wadhwa, Member (J), Shri D.N. Panda, Member (J), Shri Rakesh Kumar, Member (T) and Shri Manmohan Singh, Member (T).</p> <p>(D) Please provide list of cases which have been marked by the Bench of the Hon'ble President to Shri Rakesh Kumar, Member (T) for orders and to Shri Manmohan Singh, Member (T).</p> <p>(E) Please provide list of cases which have been retained by the Hon'ble President with him for orders.</p> |

cert
1/1/14.

| | |
|----|---|
| | <p>(F) Please provide list of the orders which have been despatched beyond 10 days of their passing and please also indicate the days taken at the level of the PS to the Member and the Assistant Registrar of concerned Bench and the Despatch Section. The information may be provided for the orders passed after 1-10-2013 till the date of providing information. Information can be provided in the form it is suitable and convenient to you and may be provided for all the Benches of the CESTAT at Delhi.</p> <p>(G) Please provide list of files from which the information as sought above is provided by you</p> <p>(H) 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. 23F 432774 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable. |
| 7. | As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application. |



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

Place : New Delhi

Encl. : as above

nn8368

F.No. 09-94/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 10/6/14
ID No. 09-94/14

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. 8368/14 Dt. 26.5.14
and our ID No. 09-94/14 the information received from SPS - President &
SPS - AW - MIO
containing 6 pages is enclosed herewith for your reference
please.

You are, therefore, requested to please acknowledge the
receipt and deposit Rs. ~~12~~ (@2/- per page) to this Tribunal by
cash or DD in favour of Accounts Officer, CESTAT, New Delhi.

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

9

To

The CPIO/ Accounts Officer
Customs, Excise & Service Tax
Appellate Tribunal,
New Delhi.

Sir,

Ref: F.No. 09-94/CESTAT/ CPIO-ND/ RP/2014 dated
27/5/2014 ID 09-94/2014

With reference to above mentioned RTI seeking information regarding points (A) and (B), it is submitted that as Hon'ble Member Ms Archana Wadhwa is on leave upto 20.6.2014, the requisite information can be submitted only after taking her approval on her joining office.

Dated: 5.6.2014

Seema Sadana
(Seema Sadana)
SPS to M(J-AW)

30/6/14
SPS

SH vlc

Indy
05/6/14

18/6/2014
06/06/2014

CESTAT, New Delhi

Dated: 6.6.2014

In pursuance of the letter F.No.09-94/CESTAT/CPIO-ND/RP/2014 dated 27.5.2014 seeking to provide information as related in Column Nos.(A) to (E) of serial No.4 in the RTI application No.8368/14 dated 26.5.2014 pertaining to the office of Hon'ble President, information asked for, is given below :

- (i) Reply to Point No.(A) - As per Annexure - 'T'
- (ii) Reply to Point No.(B) -
No order is pending for pronouncement as on 23.5.2014.
- (iii) Reply to Point No.(C) -
No written in detailed - order-to-follow cases are there to be passed and issued as on 23.5.2014 for the Bench presided over by Hon'ble President
- (iv) Reply to Point No.(D) - As per Annexure - 'U'
- (v) Reply to Point No.(E) -
Only one case in M/s Harsingar Gutkha Pvt. Ltd. and others (Appeal No.E/1471/2007 and others) in difference of opinion matter remains pending with Hon'ble President for order.

Das
(S.C. Das) 6/6/14
Sr.P.S. to Hon'ble President

CPIO, CESTAT, New Delhi.

sh vfl
high
06/6/14

1847/CPIO
06/06/2014

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

Date of Hearing/decision: 30.07.2014

**Appeal No.09-039(A)/CESTAT/FAA-RK/ND/2014
CPIO, I.D.No. 09-034 /CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER

039/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.26.05.2014 has sought the following information:-

"Details of information required:

- (A) Please provide list of cases in which the Orders were reserved by the Bench of Hon'ble President (Single Member + DB + Larger Bench) from 01.12.2013 till the date of providing the information.
- (B) Please provide list of cases in which the Orders were reserved but which are pending for pronouncement as on 23.05.2014 for the Benches presided over the Hon'ble President, Mrs. Archana Wadhwa- Member(J), Shri D.N. Panda- Member(J), Shri Rakesh Kumar - Member (T) and Shri Manmohan Singh - Member(T).
- (C) Please provide list of cases in which decisions were pronounced but written orders still remain to be passed and issued as on 23.05.2014 for the Benches presided over the Hon'ble President, Mrs. Archana Wadhwa- Member(J), Shri D.N. Panda- Member(J), Shri Rakesh Kumar - Member (T) and Shri Manmohan Singh - Member(T).

3-9-14
ISSUED ON

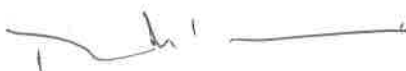
SIGN (DEPUTY SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110046

- (D) Please provide list of cases which have been marked by the Bench of the Hon'ble President to Shri Rakesh Kumar - Member (T) for orders and to Shri Manmohan Singh - Member(T).
- (E) Please provide list of cases which have been retained by the Hon'ble President with him for orders.
- (F) Please provide list of orders which have been despatched beyond 10 days of their passing and please also indicate the days taken at the level of the PS to the Members and the Assistant Registrar of concerned Bench and the Despatch Section. The information may be provided for the orders passed after 01.10.2013 till the date of providing information. Information can be provided in the form it is suitable and convenient to you and may be provided for all the Benches of the CESTAT at Delhi.
- (G) Please provide list of files from which the information as sought above is provided by you.
- (H) 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.

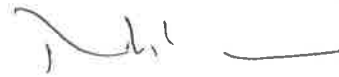
2. Since, the appellant is not satisfied with the information furnished, this appeal has been filed.

3. Heard both the sides.

4. As regards required information in respect of point 'C', the detail of cases in which the order were pronounced but written orders and yet to be passed should be furnished in respect of Benches presided over the Hon'ble President, Mrs. Archana Wadhwa- Member(J), Shri D.N. Panda- Member(J), Shri Rakesh Kumar - Member (T) and Shri Manmohan Singh - Member(T). This information is to be furnished from 01.04.2014 till date.



5. As regards points 'F' of the RTI application, the list of the cases where the orders have been despatched after a period of 10 days of their passing, may also be provided along with other information sought in this point. The information is to be provided for the period from 01.10.2013 onwards. The above information may be furnished within the 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.

13. Office copy

Appeal No. - 09-040(A)/2014

M. No 2439/14-CL
15/8/14

44/RK(FAA)/2014
16/7/14

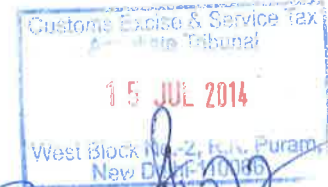
(1)

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

Ref. No. : RTI/P-537/(8292/14)/Appeal/15304

Dated : 14-07-2014

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 (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) | 09-05-2014 |
| 3. | Details of the order appealed against | Letter No. 09-69/CESTAT/CPIO-ND/RP/2014 dated 09.07.2014 |
| 4. | Prayer or relief sought | See Prayer clause at the end |
| 5. | Last date for filing the appeal | 09.08.2014 |
| 6. | Whether Appeal in Time. | Appeal in time |
| 7. | Copies of documents relied upon by the applicant | 1. Copy of RTI Application dated 9-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 12-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 16-5-2014. (Annexure-3) 4. Copy of Deemed Appeal filed by |

| | |
|--|--|
| | Appellant dated 21-6-2014. (Annexure-4) 5. Copy of CPIO's letter dated 9-7-2014. (Annexure-5) |
|--|--|

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 09-05-2014 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide the following information in relation to Appeal bearing No.ST/1029/2011 (Vodafone Essar Digilink)

(i) Please provide the dates on which the aforesaid Appeal were mentioned before the Bench of Hon'ble President, CESTAT

(ii) Please provide certified copies of all the documents filed during aforesaid mention and certified copies of the directions/orders passed thereon

(iii) Please provide copies of all the records of proceedings, orders, in relation to the aforesaid Appeal.

(iv) Please provide copies of all the application filed in the aforesaid Appeal

(v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII.

(vi) Copies of all notice of hearing.

(vii) Copy of compliance report, if any and current status of the case with next Date of hearing.

(viii) Copies of all Vakalatnamas

(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.

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

(D) 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 Kripa Shankar, Assistant Registrar (Customs, Service Tax and Anti Dumping Branch) and Deemed CPIO, have not responded to the RTI Application in question within the prescribed period of 30 days, hence the appellant filed Appeal No.15255 dated 21.06.2014 against the deemed refusal. The said Appeal is pending decision and may be heard along with the present application.
- (4) That after the filing of the aforesaid Appeal dated 21.06.2014, the appellant received the response dated 09.07.2014 of the CPIO / Deemed CPIO and being aggrieved by the same, the appellant is filing the present Appeal.

GROUNDS OF APPEAL

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

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

PRAYER

Under the circumstances, the appellant prays as under:

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

5

-5-

- (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 : 14-07-2014

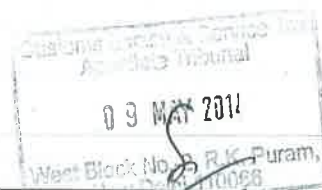
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8292/14

Dated : 9-5-2014

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 the following information in relation to Appeal bearing No.ST/1029/2011 (Vodafone Essar Digilink)</p> <p>(i) Please provide the dates on which the aforesaid Appeal were mentioned before the Bench of Hon'ble President, CESTAT</p> <p>(ii) Please provide certified copies of all the documents filed during aforesaid mention and certified copies of the directions/orders passed thereon</p> <p>(iii) Please provide copies of all the records of proceedings, orders, in relation to the aforesaid Appeal.</p> <p>(iv) Please provide copies of all the application filed in the aforesaid Appeal</p> <p>(v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII.</p> <p>(vi) Copies of all notice of hearing.</p> <p>(vii) Copy of compliance report, if any and current status of the case with next Date of hearing.</p> <p>(viii) Copies of all Vakalatnamas</p> <p>(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please</p> |

| | | |
|----|---|--|
| | | <p>note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>(C) Please provide list of files from which the information as sought above is provided by you</p> <p>(D) 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. | <p>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.</p> | |
| 6. | <p>A Postal Order No. 23F 432255 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.</p> | |
| 8. | <p>As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.</p> | |



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

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

ANNEXURE-2

F.No...09-69.../CESTAT/CPIO-ND/RP/2014
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 12/5/2014

ID No. 09-69/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8292/14 dated
9/5/14 (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. 8292/14 dated 9/5/14 CPIO ID No 09-69/2014 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 22/5/14 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. AR, Customs & SF.

2. _____

Copy to: ³ Shri R.K. Jain, 1512 B, Bhishma Pitamah Marg,
Wazir Nagar, New Delhi-110003.

o/c

TIME BOUND

RTI

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

Customs Excise & Service Tax
Appellate Tribunal

16 MAY 2014

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

RTI/P-195/8292/14/R10945

16-05-2014

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/8292/14, dated 9/5/2014

Dear Sir,

This refers to the letter F. No. 09-69/CESTAT/CPIO-ND/RP/2014 dated 12-05-2014 of Mr. Rajender Prasad, Accounts Officer/CPIO, CESTAT, New Delhi transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. 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]

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

Ref. No. :RTI/P-537/(8292/14)/Appeal/15255
Dated : 21-06-2014

To

1st Appellate Authority under the 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) | 09-05-2014 |
| 3. | Details of the order appealed against | Deemed Refusal |
| 4. | Prayer or relief sought | See Prayer clause at the end |
| 5. | Last date for filing the appeal | 09-07-2014 |
| 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 9-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 12-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 16-5-2014. (Annexure-3) |

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11

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 09-05-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide the following information in relation to Appeal bearing No.ST/1029/2011 (Vodafone Essar Digilink)*
- (xii) *Please provide the dates on which the aforesaid Appeal were mentioned before the Bench of Hon'ble President, CESTAT*
- (xiii) *Please provide certified copies of all the documents filed during aforesaid mention and certified copies of the directions/orders passed thereon*
- (xiv) *Please provide copies of all the records of proceedings, orders, in relation to the aforesaid Appeal.*
- (xv) *Please provide copies of all the application filed in the aforesaid Appeal*
- (xvi) *Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII.*
- (xvii) *Copies of all notice of hearing.*
- (xviii) *Copy of compliance report, if any and current status of the case with next Date of hearing.*
- (xix) *Copies of all Vakalatnamas*
- (E) *After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.*
- (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*

(3)
(12)

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 12-05-2014 (**Annexure-2**) of Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT, New Delhi. The Appellant vide letter dated 16-05-2014 (**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.

GROUND OF APPEAL

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

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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 : 21-06-2014

(14)

F.No. 09-69/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated---9/7/14---

ID No. 09-69/2014

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---8282/14--- Dt---9/5/14
and our ID No. 09-69/14.. the information received from ---AR, Gulbarga & S---
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.

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

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CUSTOMS, SERVICE TAX & ANTIDUMPING BRANCH

I.D.No.09-69/14

With reference to your I.D.No.09-69/14 dated 12.5.2014, the information sought by you has already been provided to you in reply to your I.D.No.09-77/14 and as per your inspection note dated 20.5.2014.

[Signature]
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[Signature]
31/7/14
Asstt. Registrar.

CP10

1328/CSTO
08/07/2014

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CUSTOMS, SERVICE TAX & ANTIDUMPING BRANCH

I.D.No.09-77/14

With reference to your I.D.No.09-77/14 dated 13.5.2014, the information sought by vide point (i) to (ix) in respect of A.No.ST/1029/2011,ST/50/2009 and your inspection note dated 20.5.2014 is enclosed.

1.Copies of order sheets/record of proceedings,notes put up etc. in respect of A.No.ST/1029/2011 pages 1-10.

3. Copies of order sheets/record of proceedings,notes put up etc. in respect of A.No.ST/50/2009 pages 11-23.

Total pages:1-23.

~~23/5~~

~~CP/O~~

~~23/5/14~~

~~Dr. Smit Kuro~~

~~Asstt. Registrar.~~ 23/5/14

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

Date of Hearing/decision: 22.08.2014

**Appeal No.09-029 (A)/CESTAT/FAA-RK/ND/2014
Appeal No.09-040(A)/CESTAT/FAA-RK/ND/2014
CPIO, I.D. NO. 09-069/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 03/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.09.05.2014 has sought the following information:-

"Details of information required:

- (A) Please provide the following information in relation to Appeal bearing Nos. (i) ST1029/2011 (Vodafone Essar Digilink).
- (i) Please provide the dates on which the aforesaid Appeal were mentioned before the bench of Hon'ble President, CESTAT.
- (ii) Please provide certified copies of all the documents filed during aforesaid mention and certified copies of the directions/orders passed thereon.
- (iii) Please provide copies of all the records of proceedings, orders, in relation to the aforesaid Appeal.

- (iv) Please provide copies of all the application filed in the aforesaid Appeal.
 - (v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII.
 - (vi) Copies of all notice of hearing.
 - (vii) Copy of compliance report, if any and current status of the case with next Date of hearing.
 - (viii) Copies of all Vakalatnamas.
- (B) After providing above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.
- (C) Please provide list of files from which the information as sought above is provided by you.
- (D) 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. Since the information was not received within 30 days, these two appeals have been filed.

3. Heard both the sides.



4. At the time of hearing the CPIO states that the reply have been furnished. The appellant acknowledges that the information has been received. The inspection of the files as per the point 'B' has also been given. In view of this the appellant is not pressing for this appeal. Both the appeals are dismiss as not pressed.



(Rakesh Kumar)
Member(Technical)

To

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