

Appeal No. 09-041(A)/2014
40/ RK (FAA)/2014
09/7/14

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

Ref. No. : RTI/P-537/(8344/14)/Appeal/15288

Dated : 08-07-2014

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)	21-05-2014	
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	21-7-2014	
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 21-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 26-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 29-5-2014. (Annexure-3)	

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 21-05-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide the following information in relation to the appeal No. ST/58658/2013-CU(DB) - Larsen & Toubro 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 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) *Please provide copies of all notesheets and correspondence pages in relation to the constitution of Larger Bench and the composition of Larger Bench including all orders of the President in relation to the said Larger Bench.*
- (C) *Please provide copies of all High Courts Orders and directions filed in the above matter*
- (D) *Please provide details and copies of all mentions made in the above matter with all endorsements, directions, orders made thereon.*
- (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 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 26-5-2014 (**Annexure-2**) of Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT, New Delhi. The Appellant vide letter dated 29-5-2014 (**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.

GROUNDS OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of Shri Rajender Prasad, CPIO & Account Officer, CESTAT, New Delhi is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal

to the request of the appellant without any reasonable cause or ground hence is illegal.

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

PRAYER

Under the circumstances, the appellant prays as under:

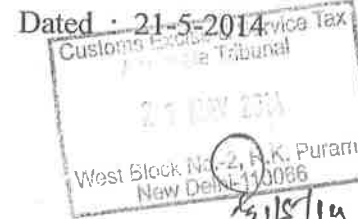
- (a) That the Original Records may be summoned and perused.
- (b) That the CPIO may be directed to provide the information in question within a time bound frame.
- (c) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (d) That a personal 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 : 08-07-2014

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

Ref. No. :RTI/P-195/8344/14




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 the appeal No. ST/58658/2013-CU(DB) - Larsen & Toubro 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 any Court directions/orders received in the aforesaid matter.</p> <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>

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	<p>(B) Please provide copies of all notesheets and correspondence pages in relation to the constitution of Larger Bench and the composition of Larger Bench including all orders of the President in relation to the said Larger Bench.</p> <p>(C) Please provide copies of all High Courts Orders and directions filed in the above matter</p> <p>(D) Please provide details and copies of all mentions made in the above matter with all endorsements, directions, orders made thereon.</p> <p>(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.</p> <p>(F) Please provide list of files from which the information as sought above is provided by you</p> <p>(G) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>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 432640 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

mn8344

7

F.No. 09-90...../CESTAT/CPIO-ND/RP/2013
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 26/05/14ID No. 09-90/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8344/14 dated
21/05/14 (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. 8344/14 dated 21/05/14 CPIO ID No 09-90/14 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 12/6/2014 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above


(Rajender Prasad)
Accounts Officer/CPIO

To

1 AD Customs/ST CESTAT New Delhi.

2 _____

3 _____

Copy for information to:-

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

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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



1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/8344/14/R11094

29-05-2014

The 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/8344/14, dated 21/5/2014

Dear Sir,

This refers to Letter F.No.09-90/CESTAT/CPIO-ND/RP/2014 dated 26.05.2014 of Shri Rajender Prasad, Account Officer / CPIO, CESTAT, New Delhi, transferring my aforesaid RTI Application to you under Section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest, as under Section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

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

Date of Hearing/decision:14.10.2014

**Appeal No.09-041(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-90/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

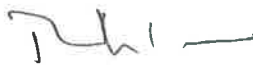
Respondent

ORDER-045/2014

Per Rakesh Kumar:-


This is an appeal against deemed refusal to furnished the required information in respect of RTI Application No.RTI/P-195/8344/14 dt.21.05.2014 filed by the appellant under section 6 of the Right to Information Act, 2005. In as much as the reply from the CPIO furnishing the information was not received within 30 days.

2. Heard both the sides.
3. Appellant has received the information. 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. *Chand fre / OC*

28-10-14
ISSUED ON

SIGN. (OFFICE USE ONLY)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110066

Dy MO. 2383 / CX-14 Appeal No. 09-042(A) / 2014
9/7/14 39/ AK (FAP) / 2014
9/7/14

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

Ref. No. : RTI/P-537/(8369/14)/Appeal/15287

Dated : 08-07-2014

SPS to Home
PAN

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 :

CP 16
1
u/7
Hyd
11/7/14
Sub. Myr

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)	26-05-2014	
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	26-07-2014	
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time	
	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 27-5-2014. (Annexure-2) 3. Copy of Appellant's 3 Reminder letter dated 2-6-2014. (Annexure-3)	

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 after court supplementary cause list for all CESTAT Benches at Delhi from 01.01.2014 till the date of providing the information.*

(B) *Please provide inspection of court master diary for the years 2012, 2013 & 2014 for all the CESTAT Benches at Delhi.*

(C) *Please provide details and the list of diaries and registers maintained by all the Court Masters and the Assistant Registrars (ARs) of all the Benches at CESTAT, Delhi*

(D) *Please provide inspection of 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 at CESTAT, Delhi, for the years 2012, 2013 & 2014.*

(E) *Please provide the date when the notice for hearing of Appeal No.E/29/02 (M/s. Jaidev Alloys) of the Ahmedabad Bench by the Larger Bench on 09.06.2014 at Delhi has been ordered. Please also provide copy of the notice for hearing and all notesheets and order sheets relating to said Appeal.*

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

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

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

- (3) That the appellant received letter dated 28-5-2014 (**Annexure-2**) of Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT, New Delhi. The Appellant vide letter dated 2-6-2014 (**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 & Account Officer, CESTAT, New Delhi is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or

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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 : 08-07-2014

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

Ref. No. :RTI/P-195/8369/14

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 after court supplementary cause list for all CESTAT Benches at Delhi from 01.01.2014 till the date of providing the information.</p> <p>(B) Please provide inspection of court master diary for the years 2012, 2013 & 2014 for all the CESTAT Benches at Delhi.</p> <p>(C) Please provide details and the list of diaries and registers maintained by all the Court Masters and the Assistant Registrars (ARs) of all the Benches at CESTAT, Delhi</p> <p>(D) Please provide inspection of 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 at CESTAT, Delhi, for the years 2012, 2013 & 2014.</p> <p>(E) Please provide the date when the notice for hearing of Appeal No.E/29/02 (M/s. Jaidev Alloys) of the Ahmedabad Bench by the Larger Bench on 09.06.2014 at Delhi has been ordered. Please also provide copy of the notice for hearing and all notesheets and order sheets relating to said Appeal.</p> <p>(F) Please provide list of files from which the information as sought above is provided by you</p>

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		<p>(G) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>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 432775 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

mn8369

(7)

F.No. 09-95/CESTAT/CPIO-ND/RP/2013,
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 27/05/14ID No. 09-95/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R K Jain
 Under RTI Act 2005 vide No. 8369/14 dated
26/5/14 (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. 8369/14 dated 26.5.14 CPIO ID No 09-95/14 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 12/6/2014 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013

Encl: as above


 (Rajender Prasad)
 Accounts Officer/CPIO

To

- 1 AR Excise / Customs / ST, / SM CESTAT New 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
Appellate Tribunal

22/05/2014

West Block-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-195/8369/14/R11148

02-06-2014

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

Sub: My RTI Application No. RTI/8369/14, dated 26/5/2014

Dear Sir,

This refers to letter F.No.09-95/CESTAT/CPIO-ND/RP/2014 dated 27.05.2014 of Shri Rajender Prasad, Account Officer / CPIO, CESTAT, New Delhi, transferring my aforesaid RTI Application to you under Section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest, as under Section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

B/C

(9)

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

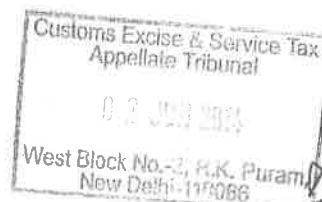
President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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



1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/8369/14/R11147

02-06-2014

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

Sub: My RTI Application No. RTI/8369/14, dated 26/5/2014

Dear Sir,

This refers to letter F.No.09-95/CESTAT/CPIO-ND/RP/2014 dated 27.05.2014 of Shri Rajender Prasad, Account Officer / CPIO, CESTAT, New Delhi, transferring my aforesaid RTI Application to you under Section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest, as under Section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

o/c

(10)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

Customs Excise & Service
Appellate Tribunal

02 JUL 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-195/8369/14/R11146
02-06-2014

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

Sub: My RTI Application No. RTI/8369/14, dated 26/5/2014

Dear Sir,

This refers to letter F.No.09-95/CESTAT/CPIO-ND/RP/2014 dated 27.05.2014 of Shri Rajender Prasad, Account Officer / CPIO, CESTAT, New Delhi, transferring my aforesaid RTI Application to you under Section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest, as under Section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

**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.09-042(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-95/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER

040/2014

Per Rakesh Kumar:-

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

- (A) Please provide after court supplementary cause list for all CESTAT Benches at Delhi from 01.01.2014 till the date of providing the information.
- (B) Please provide inspection of court master diary for the years 2012, 2013 & 2014 for all the CESTAT Benches at Delhi.
- (C) Please provide details and the list of diaries and register maintained by all the Court Masters and the Assistant Registrars (ARs) of all the Benches at CESTAT, Delhi.
- (D) Please provide inspection of 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 at CESTAT, Delhi for the years 2012, 2013 & 2014.

3-9-14
ISSUED ON

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

12/8

- (E) Please provide the date when the notice for hearing of Appeal No. E/29/02 (M/s. Jaidev Alloys) of the Ahmadabad Bench by the Larger Bench on 09.06.2014 at Delhi has been ordered. Please also provide copy of the notice for hearing and all note sheets and order sheets relating to said Appeal.
- (F) Please provide list of files from which the information as sought above is provided by you.
- (G) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.

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

3. Heard both the sides. The CPIO says that the required information is in process. Accordingly he^{is} directed to furnish the required information complete in all respect within two weeks¹ 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.

2. office copy

D-1140.2382 / CR-14 Appeal No. 09-043(A)/14 (TAM) 2M
38/RK 9/7/14

①

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

Ref. No. : RTI/P-537/(8372/14)/Appeal/15286

Dated : 08-07-2014

To

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

SPS to
FAA

Customs Excise & Service Tax
Appellate Tribunal

09 JUL 2014

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

A. Contact Details :

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

B. Details About RTI Request :

CP/10
13
11/7

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)	27-05-2014	
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	27-07-2014	
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 27-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 27-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 2-6-2014. (Annexure-3)	

Reply
11/7/14
Sul. Arjun

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 27-05-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide the date on which the order dated 05-05-2014 (copy enclosed) in the case of Larsen & Toubro Limited v. CST, New Delhi was sent to both the parties. Please indicate the mode of dispatch and copies of the documents evidencing dispatch of the said order.

(B) Please intimate the name of the person or the party who has signed the said order on 12-05-2014 at the bottom of the third page..

(C) Please provide copy of the material on the basis of which the order number was allotted to the aforesaid order dated 05-05-2014.

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

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

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

(3) That the appellant received letter dated 27-5-2014 (**Annexure-2**) of Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT, New Delhi. The Appellant vide letter dated 2-6-2014 (**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 & Account Officer, CESTAT, New Delhi is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

4

④

PRAVER

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 : 08-07-2014

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

Ref. No. :RTI/P-195/8372/14

Dated : 27-5-2014

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 date on which the order dated 05-05-2014 (copy enclosed) in the case of Larsen & Toubro Limited v. CST, New Delhi was sent to both the parties. Please indicate the mode of dispatch and copies of the documents evidencing dispatch of the said order.</p> <p>(B) Please intimate the name of the person or the party who has signed the said order on 12-05-2014 at the bottom of the third page.</p> <p>(C) Please provide copy of the material on the basis of which the order number was allotted to the aforesaid order dated 05-05-2014.</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>
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

6.	A Postal Order No. 23F 432778 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

mn8372

CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
West Block No.2, R. K. Puram, New Delhi, Court No. 1

Date of Mention: 05.05.2014 (Unlisted)

Service Tax Appeal No. 58658 of 2013

M/s Larsen & Toubro Limited Appellant

Vs.

CST, New Delhi Respondent

Appearance:

Shri S. Muthuvenkataraman, Advocate for the assesseees

Shri Amresh Jain, DR for the Respondent - Revenue.

Coram: Hon'ble Mr. Justice G. Raghuram, President
Hon'ble Mr. Rakesh Kumar, Member (Technical)

ORDER

Per: Justice G. Raghuram:

In the order dated 09.09.2013, in Service Tax Miscellaneous Application Nos. 60108 and 59936 of 2013 (in ST Appeal No. 58658/2013), the Tribunal noticed a conflict between Larger Bench (three Members) decisions in *Jyoti Ltd., vs. CCE - 2007 -TIOL-2337-CESTAT-AHM*, *CCE vs. Indian Oil Tanking Ltd., -2010-TIOL-1015-CESTAT-MUM* and *CCE vs. BSBK Ltd., - 2010-TIOL-646-CESTAT-DEL-LB*. This order referred for consideration of a Larger Bench of five Members, the following issues (reframed):

(a) Whether a composite contract/ transaction, involving incorporation/ transfer of goods and rendition of services (in a construction contract for instance), may be vivisected

without legislative authorisation and thereafter rendition of service components under such composite contract be assessed for levy of service tax (for providing a taxable service); under provisions of the Finance Act, 1994, prior to 01.06.2007, the date of introduction of 'Works Contract' as a taxable service under Section 65 (105) (zzzza), whereafter "Works Contract" became a taxable service; i.e. whether enumerated taxable services provided under such composite contracts, are excluded from the purview of the provisions of the Act for levy of service tax and only contracts exclusively involving rendition of services (and not involving deemed transfer of goods) were taxable; i.e. what is the scope of taxable services such as "Commercial or industrial Construction", "Erection commissioning or installation" or "turnkey" contracts, prior to 01.06.2007; and

(b) Whether legislated authorisation for vivisection of such composite contracts provided under Sales tax/ VAT laws enacted by States, legitimises vivisection by federal executive and quasi-judicial authorities, administering provisions of the Finance Act, 1994; in respect of 'Works Contract' service, prior to 01.06.2007.


2. We notice from the order dated 21.03.2014 that the learned Division Bench of the Bombay High Court, in writ petition (L) No. 433 of 2014, was sensitized to the fact that the above issues were referred to a Larger Bench of five Members, of the Tribunal.

—

3. In the circumstances, tentatively; and subject to a firm date to be determined by the Hon'ble President on the administrative side, the issues shall be listed for consideration of a Larger Bench of five Members, to be constituted around **09.06.2014**.

4. Registry shall cause notices to be put up on notice Boards of Advocates Associations at all regional Benches specifying the constitution of a larger Bench for determining the issues referred and inviting written submissions from Advocates/ Consultants, to assist the Tribunal. Notices shall also be issued to the respective parties/ Advocates / DR's in ST Appeal No. 58658 of 2013.


(Justice G. Raghuram)
President


(Rakesh Kumar)
Member (Technical)

Pant


12/5/14

(10)

F.No. 09-97...../CESTAT/CPIO-ND/RP/2013
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 27/05/14

ID No. 09-97/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8372/14 dated
27/05/14 (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. 8372/14 dated 27/05/14 CPIO ID No 09-97/14 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 11/6/2014 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013

Encl: as above


(Rajender Prasad)
Accounts Officer/CPIO

To

1 AR Customs/ST CESTAT, New Delhi.

2 _____

3 _____

✓ Copy for information to:-

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

O/C

ANNEXURE- 3

(11)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

1512-B, Bhishm Pitamah Marg,**Wazir Nagar,****NEW DELHI - 110 003.****PHONE : 24693001-3004****MOBILE : 9810077977****Fax No. 011-24635243**RTI/P-195/8372/14/R11153
02-06-2014

The 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/8372/14, dated 27/5/2014

Dear Sir,

This refers to letter F.No.09-97/CESTAT/CPIO-ND/RP/2014 dated 27.05.2014 of Shri Rajender Prasad, Account Officer / CPIO, CESTAT, New Delhi, transferring my aforesaid RTI Application to you under Section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest, as under Section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

**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. 09-043(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-97/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER

04/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 27.05.2014 have sought the following information:-

- (A) Please provide the date on which the order dt. 05.05.2014 (copy enclosed) in the case of Larsen & Toubro Limited Vs. CST, New Delhi was sent to both the parties. Please indicate the mode of dispatch and copies of the documents evidencing dispatch of the said order.
- (B) Please intimate the name of the person or the party who has signed the said order on 12.05.2014 at the bottom of the third page.
- (C) Please provide copy of the material on the basis of which the order number was allotted to the aforesaid order dt. 05.05.2014.
- (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.

3-9-14
ISSUED ON

SIGN. (DEPUTY SECTION)
CUSTOMS, EXCISE & SERVICE
APPELLATE TRIBUNAL
NEW DELHI

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

3. Heard both the sides. The CPIO says that the required information has been furnished and the application acknowledges the same and the appellant is satisfied with it. 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.

g. office copy

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

Ref. No. : RTI/P-537/(8373/14)/Appeal/15285

Dated : 08-07-2014

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)	27-05-2014	
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	27-7-2014	
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 27-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 27-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 2-6-2014. (Annexure-3)	

2

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 27-05-2014 (**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 No.E/29/02 (M/s. Jaidev Alloys)

- (i) Copies of all Order Sheets / Record of Proceedings.*
- (ii) Please provide name of the officers in whose custody the file had been after ordering for reference to the larger bench till May 2014.*
- (iii) Please provide the date on which the five members were nominated to the Larger Bench. Please also provide copy of the relevant Notesheet and President's order of nomination.*
- (iv) Please provide copy of the order by which the President has directed for listing of the said matter before the Larger Bench on 09-05-2014.*
- (v) Copies of all the notes put up by the registry with orders thereon.*
- (vi) Copies of any order/directions for out of turn listing of the matter*
- (vii) List of dates on which the aforesaid matter including any application has been list for hearing*
- (viii) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.*
- (ix) Copies of any Court directions/orders received in the aforesaid matter.*
- (x) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.*
- (B) Please provide list of files from which the information as sought above is provided by you*
- (C) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.*

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the appellant received letter dated 27-5-2014 (**Annexure-2**) of Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT, New Delhi. The Appellant vide letter dated 2-6-2014 (**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, CPIO & Account Officer, CESTAT, New Delhi is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.

- (4)
- (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 : 08-07-2014

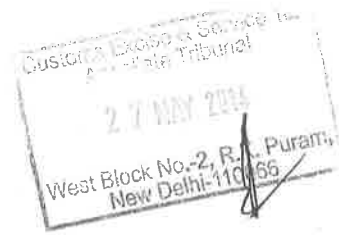
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8373/14

Dated : 27-5-2014

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 No.E/29/02 (M/s. Jaidev Alloys)</p> <p>(i) Copies of all Order Sheets / Record of Proceedings.</p> <p>(ii) Please provide name of the officers in whose custody the file had been after ordering for reference to the larger bench till May 2014.</p> <p>(iii) Please provide the date on which the five members were nominated to the Larger Bench. Please also provide copy of the relevant Notesheet and President's order of nomination.</p> <p>(iv) Please provide copy of the order by which the President has directed for listing of the said matter before the Larger Bench on 09-05-2014.</p> <p>(v) Copies of all the notes put up by the registry with orders thereon.</p> <p>(vi) Copies of any order/directions for out of turn listing of the matter</p> <p>(vii) List of dates on which the aforesaid matter including any application has been listed for hearing</p> <p>(viii) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.</p> <p>(ix) Copies of any Court directions/orders</p>

6

		<p>received in the aforesaid matter.</p> <p>(x) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p> <p>(B) Please provide list of files from which the information as sought above is provided by you</p> <p>(C) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>Note:-Please provide point-wise information/ response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 23F 432779 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

mn8373

(7)

F.No. 09-98 /CESTAT/CPIO-ND/RP/2013
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 27.05.14ID No. 09-98/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R.K. Jain
 Under RTI Act 2005 vide No. 8373/14 dated
27.05.14 (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. 8373/14 dated 27.05.14 CPIO ID No 09-98/14 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 12/6/2014 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013

Encl: as above


 (Rajender Prasad)
 Accounts Officer/CPIO

To

1 AR Excise CESTAT, New 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

XCISE 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-195/8373/14/R11152

02-06-2014

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

Sub: My RTI Application No. RTI/8373/14, dated 27/5/2014

Dear Sir,

This refers to letter F.No.09-98/CESTAT/CPIO-ND/RP/2014 dated 27.05.2014 of Shri Rajender Prasad, Account Officer / CPIO, CESTAT, New Delhi, transferring my aforesaid RTI Application to you under Section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest, as under Section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

**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. 09-044(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-98/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER

042/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 27.05.2014 have sought the following information:-

- (A) Please provide the following information in relation to Appeal No. E/29/02 (M/s. Jaidev Alloys).
 - (i) Copies of all Orders Sheets/Record of Proceedings.
 - (ii) Please provide name of the officers in whose custody the file had been after ordering for reference to the larger bench till May 2014.
 - (iii) Please provide the date on which the five members were nominated to the Larger Bench. Please also provide copy of the relevant Notesheet and President's order of nomination.
 - (iv) Please provide copy of the order by which the President has directed for listing of the said matter before the Larger Bench on 09.05.2014.
 - (v) Copies of all the notes put up by the registry with orders thereon.
 - (vi) Copies of any order/directions for out of turn listing of the matter.
 - (vii) List of dates on which the aforesaid matter including any application has been list for hearing.

3-9-14
ISSUED
SIGN. IN SECTION
CUSTOMS, EXCISE & SERVICE
APPELLATE TRIBUNAL
NEW DELHI-110006

- (viii) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.
- (ix) Copies of any Court directions/orders received in the aforesaid matter.
- (x) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.
- (B) Please provide list of files from which the information as sought above is provided by you.
- (C) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.

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

3. Heard both the sides. The CPIO agrees that the information has not been furnished and that the same is in process. The CPIO ^{is} ~~is~~ ^{complete} directed to furnish the required information ⁱⁿ all respects within a period of two weeks.



(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

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

Ref. No. : RTI/P-537/(8379/14)/Appeal/15284

Dated : 08-07-2014

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)	28-05-2014	
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	28-07-2014	
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 28-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 28-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 2-6-2014. (Annexure-3)	

2

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 28-05-2014 (**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/59440/2013 (ETA Engineering Pvt. Ltd.) Misc. Item No. 19 of 27-05-2014 (ii) Appeal No. ST/57327/2013 (Pawan Engineering Works) Misc. Item No. 17 of 27-05-2014

(i) Copies of all Orders, 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.

(v) Please also provide copies of the mention memo and directions thereon.

(vi) Copy of first four pages of the Appeal Memoranda.

(vii) 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.

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

(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

3

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 28-5-2014 (**Annexure-2**) of Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT, New Delhi. The Appellant vide letter dated 2-6-2014 (**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'S 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 & Account Officer, CESTAT, New Delhi is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of

the RTI Act and the Rules made thereunder and is entitled to the information in question.

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

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 : 08-07-2014

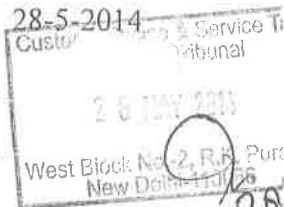
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8379/14

Dated : 28-5-2014

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 (i) Appeal No ST/59440/2013 (ETA Engineering Pvt. Ltd.) Misc. Item No. 19 of 27-05-2014 (ii) Appeal No. ST/57327/2013 (Pawan Engineering Works) Misc. Item No. 17 of 27-05-2014 (i) Copies of all Orders, 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. (v) Please also provide copies of the mention memo and directions thereon. (vi) Copy of first four pages of the Appeal Memoranda. (vii) 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. (viii) Copies of all notice of hearing issued to parties. (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.

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>(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 432747 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
mn8379

F.No. 09-99...../CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 28/05/14ID No. 09-99/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8379/14 dated
28/05/14 (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. 8379/14 dated 28/05/14 CPIO ID No 09-99/14 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 11-6-2014 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

(Rajender Prasad)
Accounts Officer/CPIO

To

- 1 Assistant Registrar Customs/ST
- 2 _____
- 3 _____

Copy for information to:-

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

o/c

ANNEXURE- 3

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

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

RTI/P-195/8379/14/R11151

02-06-2014

The 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/8379/14, dated 28/5/2014

Dear Sir,

This refers to letter F.No.09-99/CESTAT/CPIO-ND/RP/2014 dated 28.05.2014 of Shri Rajender Prasad, Account Officer / CPIO, CESTAT, New Delhi, transferring my aforesaid RTI Application to you under Section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest, as under Section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

**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. 09-045(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-99/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER

043/2014

Per Rakesh Kumar:-

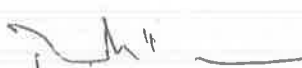
1. The appellant vide RTI Application dt. 28.05.2014 have sought the following information:-

(A) Please provide the following information in relation to (i) Appeal No. ST/59440/2013 (ETA Engineering Pvt. Ltd.) Misc. item No. 19 of 27.05.2014 (ii) Appeal No. ST/57327/2013 (Pawan Engineering Works) Misc. item No. 17 of 27.05.2014

- (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.

3-9-14
ISSUED ON

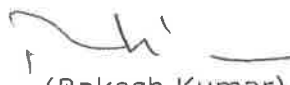
SIGN. (DESIGN SECTION)
CUSTOMS EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI 110055

- (v) Please also provide copies of other mention memo and directions thereon.
 - (vi) Copy of first four pages of the Appeal Memoranda.
 - (vii) 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.
 - (viii) Copies of all notice of hearing issued to parties.
 - (ix) Copies of all Vakalatnamas and no objection 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, notes-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 be provided.

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

3. Heard both the sides. According to the CPIO the reply is in process, the CPIO directed to furnish the complete information in respect of the point within period of two weeks.


(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

35/RK (FAA) 2014
9/7/14

Appeal No. 09-046(A) 14 ①

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

Ref. No. : RTI/P-537/(8382/14)/Appeal/15283

Dated : 08-07-2014

Dyno-2379/CR-14
9/7/14

To

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



A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	28-05-2014	
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	28-07-2014	
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 28-5-2014. (Annexure-1) 2. Copy of CPIO's letter dated 28-5-2014. (Annexure-2) 3. Copy of Appellant's Reminder letter dated 2-6-2014. (Annexure-3)	

SPS to
Honble KAA

11/7
CPIO

11/7/14
Smt. Anjali

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 28-05-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide the date and diary number under which the Application dated 02-05-2014 has been filed by the Appellant in Appeal No. ST/58658/2013 in the case of Larsen & Toubro Limited v. Commissioner of Service Tax on 2-5-2014 in the Central Registry.*
- (B) *Please provide the date and diary number under which the Letter/Application dated 15-05-2014 has been filed by the Respondent in Appeal No. ST/58658/2013 in the case of Larsen & Toubro Limited v. Commissioner of Service Tax or of any other letter/application filed in the above matter by the Respondent after 12-05-2014 till the date of providing the information.*
- (C) *Please provide the details as to the name and designation of the person who has signed the order dated 05-05-2014 at the bottom of page 3 on 12-05-2014.*
- (D) *Please provide the dates on which the order dated 05-05-2014 (See Annexure A) in the above matter has been served on the parties independent of the notice of Hearing since a party to the proceeding is entitled to a copy of order.*
- (E) *As per applicant no request was made by any party for re-framing of issue on 5-5-2014 nor matter for re-framing of issues was discussed during mention nor it was so dictated in this regard provide following information.*
 - (i) *Please provide information whether any request was made by either parties for reframing of issue in the aforesaid matter, if yes, kindly provide date and details of the same with a copy of such request or records evidencing such request.*

Note : *This information is sought without prejudice to the fact that no questions were framed by the original bench in its order dated 09-09-2013 therefore, there was no occasion or question for reframing the issues.*

- (F) *Please provide date and diary No. for any letter, application, memo filed by appellant in Appeal No. ST/58658 of 2013 after 1-4-2014 till date and providing information. Please also provide copies of all such letters, applications and memos.*
- (G) *After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) to (E) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.*
- (H) *Please provide list of files from which the information as sought above is provided by you*
- (I) *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 28-5-2014 (**Annexure-2**) of Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT, New Delhi. The Appellant vide letter dated 2-6-2014 (**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 & Account Officer, CESTAT, New Delhi is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

-3-

(S)

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 : 08-07-2014

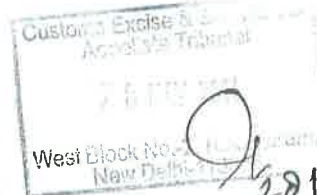
A/C
I.D. No. - 09-100/2014
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8382/14

Dated : 28-5-2014

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 date and diary number under which Application dated 02-05-2014 has been filed by Appellant in Appeal No. ST/58658/2013 in case of Larsen & Toubro Limited v. Commissioner of Service Tax on 2-5-2014 in Central Registry.</p> <p>(B) Please provide date and diary number under which Letter/Application dated 15-05-2014 has been filed by Respondent in Appeal No. ST/58658/2013 in case of Larsen & Toubro Limited v. Commissioner of Service Tax or of any other letter/application filed in above matter by Respondent after 12-05-2014 till date of providing information.</p> <p>(C) Please provide details as to name and designation of person who has signed the order dated 05-05-2014 at bottom of page 3 on 12-05-2014.</p> <p>(D) Please provide dates on which order dated 05-05-2014 (See Annexure A) in above matter has been served on parties independent of notice of Hearing since a party to proceeding is entitled to a copy of order.</p> <p>(E) As per applicant's information no request was made by any party for re-framing of issue on 5-5-2014 nor matter for re-framing of issues were discussed during mention nor it was so dictated in this regard provide following information.</p>

7

	<p>(i) Please provide information whether any request was made by either parties for reframing of issue in the aforesaid matter, if yes, kindly provide date and details of same with a copy of such request or records evidencing such request.</p> <p>Note:- This information is sought without prejudice to fact that no questions were framed by original bench in its order dated 09-09-2013 therefore, there was no occasion or question for reframing issues.</p> <p>(F) Please provide date and diary No. for any letter, application, memo filed by appellant in Appeal No. ST/58658 of 2013 after 1-4-2014 till date of providing information. Please also provide copies of all such letters, applications and memos.</p> <p>(G) After providing above information, please provide inspection of all records, documents, note-sheets and files relating to information as referred to in point (A) to (E) above. Please provide inspection of complete file(s) even if they contain part of information. Please note that I will undertake inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>(H) Please provide list of files from which information as sought above is provided by you.</p> <p>(I) Please provide copies of all note sheets and correspondence pages of RTI file in which this application has been dealt with, till date of providing information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>Note:-Please provide point-wise information/ response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the RTI Act, 2005.
6.	A Postal Order No. 23F 432750 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

mn8382

Annex A
1

CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
West Block No.2, R. K. Puram, New Delhi, Court No. 1

Date of Mention: 05.05.2014 (Unlisted)

Service Tax Appeal No. 58658 of 2013

M/s Larsen & Toubro Limited Appellant

Vs.

CST, New Delhi Respondent

Appearance:

Shri S. Muthuvenkataraman, Advocate for the assesseees

Shri Amresh Jain, DR for the Respondent - Revenue.

Coram: Hon'ble Mr. Justice G. Raghuram, President
Hon'ble Mr. Rakesh Kumar, Member (Technical)

ORDER

Per: Justice G. Raghuram:

In the order dated 09.09.2013, in Service Tax Miscellaneous Application Nos. 60108 and 59936 of 2013 (in ST Appeal No. 58658/2013), the Tribunal noticed a conflict between Larger Bench (three Members) decisions in *Jyoti Ltd., vs. CCE - 2007 -TIOL-2337-CESTAT-AHM*, *CCE vs. Indian Oil Tanking Ltd., -2010-TIOL-1015-CESTAT-MUM* and *CCE vs. BSBK Ltd., - 2010-TIOL-646-CESTAT-DEL-LB*. This order referred for consideration of a Larger Bench of five Members, the following issues (reframed):

(a) Whether a composite contract/ transaction, involving incorporation/ transfer of goods and rendition of services (in a construction contract for instance), may be vivisected

without legislative authorisation and thereafter rendition of service components under such composite contract be assessed for levy of service tax (for providing a taxable service); under provisions of the Finance Act, 1994, prior to 01.06.2007, the date of introduction of 'Works Contract' as a taxable service under Section 65 (105) (zzzza), whereafter "Works Contract" became a taxable service; i.e. whether enumerated taxable services provided under such composite contracts, are excluded from the purview of the provisions of the Act for levy of service tax and only contracts exclusively involving rendition of services (and not involving deemed transfer of goods) were taxable; i.e. what is the scope of taxable services such as "Commercial or industrial Construction", "Erection commissioning or installation" or "turnkey" contracts, prior to 01.06.2007; and

(b) Whether legislated authorisation for vivisection of such composite contracts provided under Sales tax/ VAT laws enacted by States, legitimises vivisection by federal executive and quasi-judicial authorities, administering provisions of the Finance Act, 1994; in respect of 'Works Contract' service, prior to 01.06.2007.

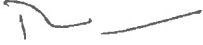
2. We notice from the order dated 21.03.2014 that the learned Division Bench of the Bombay High Court, in writ petition (L) No. 433 of 2014, was sensitized to the fact that the above issues were referred to a Larger Bench of five Members, of the Tribunal.



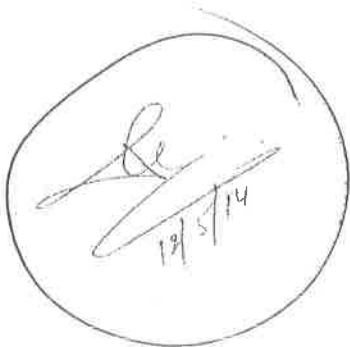
3. In the circumstances, tentatively; and subject to a firm date to be determined by the Hon'ble President on the administrative side, the issues shall be listed for consideration of a Larger Bench of five Members, to be constituted around **09.06.2014**.

4. Registry shall cause notices to be put up on notice Boards of Advocates Associations at all regional Benches specifying the constitution of a larger Bench for determining the issues referred and inviting written submissions from Advocates/ Consultants, to assist the Tribunal. Notices shall also be issued to the respective parties/ Advocates / DR's in ST Appeal No. 58658 of 2013.


(Justice G. Raghuram)
President


(Rakesh Kumar)
Member (Technical)

Pant



F.No. 09-100/CESTAT/CPIO-ND/RP/2013
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 28/05/14

ID No. 09-100/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8389/14 dated
28/05/14 (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. 8389/14 dated 28/05/14 CPIO ID No 09-100/14 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 11-6-2014 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

(Rajender Prasad)
Accounts Officer/CPIO

To

- 1 AD customs / ST
- 2 _____
- 3 _____

✓ Copy for information to:-
Sh R. K. Jain,
1512-B BHISHAM PITAMAH MARG,
WAZIR NAGAR
NEW DELHI - 110003.

O/c

ANNEXURE- 3

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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



1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/8382/14/R11150

02-06-2014

The 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/8382/14, dated 28/5/2014

Dear Sir,

This refers to letter F.No.09-100/CESTAT/CPIO-ND/RP/2014 dated 28.05.2014 of Shri Rajender Prasad, Account Officer / CPIO, CESTAT, New Delhi, transferring my aforesaid RTI Application to you under Section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest, as under Section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

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. 09-046(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-100/CESTAT/CPIO-ND/RP/2014

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER

044/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 28.05.2014 have sought the certain information. Since according to the appellant the same was not received, this appeal has been filed.

2. Heard both the sides. The appellant at the time of hearing has not ~~present~~ ^{present} for this appeal. Accordingly the same is dismissed.

(Rakesh Kumar)
Member (Technical)

To

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

3. office copy

3-9-14
ISSUED ON
SIGN. (DESIGN SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110000

Appeal No. 09-047(A)/14

Dy. No. 2440/14-2R
15/8/14

43/RK(CFAA)/2014
16/7/14

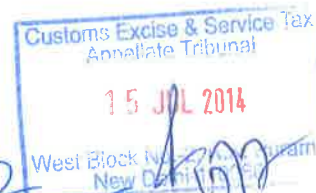
①

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

Ref. No. : RTI/P-537/(8393/14)/Appeal/15302

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, Accounts Officer/CPIO (2) Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO (3) Shri Kripa Shankar, Assistant Registrar (Customs, Service Tax and Anti Dumping Branch) and Deemed CPIO (4) Shri S.K. Verma, Asstt Registrar (SM) 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)	04-06-2014
3.	Details of the order appealed against	Letter F. No. 09-105/CESTAT/CPIO-ND/RP/2014 dated 07-07-2014
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	07-08-2014
6.	Whether Appeal in Time	Appeal in time
7.	Copies of documents relied	1. Copy of RTI Application dated 4-6-

SPS to
Hoike DAA
To

CP 10
15/7/14

upon by the applicant	<p>2014. (Annexure-1)</p> <p>2. Copy of CPIO's letter dated 10-6-2014. (Annexure-2)</p> <p>3. Copy of Appellant's 2 Reminder letters dated 12-6-2014. (Annexure-3)</p> <p>4. Copy of CPIO's letter dated 7-7-2014. (Annexure-4)</p> <p>5. Copy of CPIO's letter dated 7-7-2014. (Annexure-5)</p>
-----------------------	--

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 04-06-2014 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) Please provide copies of the draft cause list for the first two weeks of May, 2014 and as referred to in Para 12.02 of the CESTAT Office Manual for all Delhi Benches of CESTAT.
- (B) Please provide list of the files which were found to be not traceable by the Bench Clerk to the Head Clerk and the concerned Assistant Registrar as per the para 12.02 of the CESTAT Office Manual. This information may be provided from 01.10.2013 till the date of providing the information.
- (C) Please provide copies of the draft cause list for the first two weeks of May, 2014 and as referred to in Para 12.05 of the CESTAT Office Manual for all Delhi Benches of CESTAT.
- (D) Please provide information as to whether the procedure prescribed in para 12.01 to 12.19 for preparation and issue of cause list is duly complied with by the Staff of each Bench including the concerned Court Master and the concerned Assistant Registrar. If not, please provide details of the deviation and non-compliance by each Branch of the Registry.
- (E) Please provide detailed procedure and practice adopted by the Registry of each bench for issue of the supplementary cause list from 01.04.2013 till the date of providing the information.
- (F) Please provide information and copies of the instructions or intimations received regarding listing of cases from PS to the Hon'ble

*President / Hon'ble Members, the Court Masters and the Registrar.
This information may be provided from 01.04.2013 till the date of
providing the information.*

*(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, Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO, Shri Kripa Shankar, Assistant Registrar (Customs, Service Tax and Anti Dumping Branch) and Deemed CPIO, have deliberately and malafidely not provided complete and correct information. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUNDS OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri Rajender Prasad, CPIO ,CESTAT New Delhi, Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO, Shri Kripa Shankar, Assistant Registrar (Customs, Service Tax and Anti Dumping Branch) and Deemed CPIO, have deliberately and malafidely not provided

complete and correct information. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

- (4) That Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO has wrongly denied the information on the ground that it is not maintained by him. Under the RTI Act, the maintenance of information is not the pre-requisite for providing the information. Since the information sought is held by the public authority, it is to be provided. Recently the First Appellate Authority of the CIC in the case of S.C. Agarwal V/s. CIC – First appeal No. CIC/AA/A/2013/269 decided on 3-10-2013 basing its decision on Supreme Court judgment held as under: -

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

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

The information sought for by the appellant squarely falls within the ambit of the information of as defined under the RTI Act, there is no denying that it is within the mischief of section 2 (j) of the RTI Act. In view of this, and the reliance placed on the judgment of the Commission dated 23 05 2013 in the case of R K Jain Vs. CIC, the replies given in response to the four queries namely 4, 5, 7 and 8 by the nodal CPIO is set-aside and he is directed to obtain the information from the concerned registries or provide access to the

information seeker to peruse the records and get the required information. The CPIO is free to proceed in terms of the provisions of the RTI Act while replying again to these queries."

In view of the above decision of the First Appellate Authority of the CIC , CPIO and Deemed CPIOs are required to provide the information as sought in point (A) & (B) of the RTI application. He has also not provided complete and correct information as sought in other points of the RTI Application. Therefore, the order of the CPIO and Deemed CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

- (5) That Shri Kripa Shankar, Assistant Registrar (Customs, Service Tax and Anti Dumping Branch) and Deemed CPIO and Shri S.K. Verma, Asstt. Registrar (SM) and Deemed CPIO have not responded to the RTI Application despite it having been forwarded to them under Section 5(4) & 5(5) of the RTI Act. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (6) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (7) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (8) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (9) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (10) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written

evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

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

Signature of Appellant

Telephone No. : 9810077977

24651101

Fax No. 011-24635243

Place : New Delhi

Dated : 14-07-2014

O/C

ANNEXURE-1

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

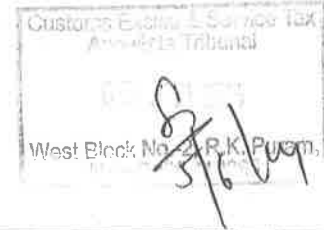
(7)

Ref. No. :RTI/P-195/8393/14

Dated : 4-6-2014

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 draft cause list for the first two weeks of May, 2014 and as referred to in Para 12.02 of the CESTAT Office Manual for all Delhi Benches of CESTAT.</p> <p>(B) Please provide list of the files which were found to be not traceable by the Bench Clerk to the Head Clerk and the concerned Assistant Registrar as per the para 12.02 of the CESTAT Office Manual. This information may be provided from 01.10.2013 till the date of providing the information.</p> <p>(C) Please provide copies of the draft cause list for the first two weeks of May, 2014 and as referred to in Para 12.05 of the CESTAT Office Manual for all Delhi Benches of CESTAT.</p> <p>(D) Please provide information as to whether the procedure prescribed in para 12.01 to 12.19 for preparation and issue of cause list is duly complied with by the Staff of each Bench including the concerned Court Master and the concerned Assistant Registrar. If not, please provide details of the deviation and non-compliance by each Branch of the Registry.</p> <p>(E) Please provide detailed procedure and practice adopted by the Registry of each bench for issue of the supplementary cause list from 01.04.2013 till the date of providing the information.</p>

		<p>(F) Please provide information and copies of the instructions or intimations received regarding listing of cases from PS to the Hon'ble President / Hon'ble Members, the Court Masters and the Registrar. This information may be provided from 01.04.2013 till the date of providing the information.</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 433835 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

un8393

(9)

F.No. 09-105/CESTAT/CPIO-ND/RP/2013
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 10/6/14ID No. 09-105/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R.K. Jain
 Under RTI Act 2005 vide No. 8393/14 dated
04/06/14 (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. 8393/14 dated 04/6/14 CPIO ID No 09-105/14 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 23/6/2014 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013

Encl: as above


 (Rajender Prasad)
 Accounts Officer/CPIO

To

- 1 Assistant Registrar Customs & Excise & SM.
- 2 _____
- 3 _____

✓ Copy for information to:-

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

1-9313 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

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

RTI/P-195/8393/14/R11256

12-06-2014

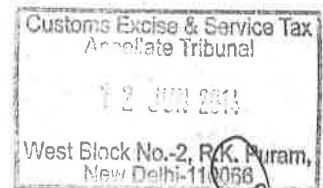
The Assistant Registrar

Customs/ST

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K.Puram,

New Delhi - 110066

**Sub: My RTI Application No. RTI/8393/14, dated 4/6/2014**

Dear Sir,

This refers to the letter F.No.09-105/CESTAT/CPIO-ND/RP/2014, dated 10.06.2014 of Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT New Delhi, transferring my aforesaid RTI application to you under 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]

01c

(11)

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

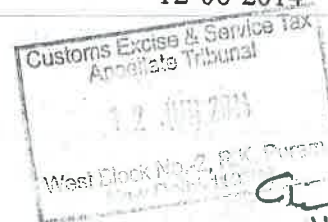
and author of

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

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

RTI/P-195/8393/14/R11257
12-06-2014

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



Sub: My RTI Application No. RTI/8393/14, dated 4/6/2014

Dear Sir,

This refers to the letter F.No.09-105/CESTAT/CPIO-ND/RP/2014, dated 10.06.2014 of Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT New Delhi, transferring my aforesaid RTI application to you under 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]

Reminder 1

ANNEXURE-4

(12)

F.No. 29-105...../CESTAT/CPIO-ND/RP/2014,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 7/7/14

ID No. 09-105/2014

Subject : Information sought under RTI Act.

Please refer to RTI application No. 8383/14 dated 4/6/14
of Shri R.K. Jain CPIO ID 09-105/2014 the requisite information
was called for from you, the same have not been provided by you till dated
despite of letter/reminder dated 10/6/14 issued to you as deemed CPIO
under section 6(3) and section 5(4) read with section 5(5) of Right to Information
Act as you are the custodian of the information.

You are again requested to please provide the information within 02 days
failing which you are responsible for any action or penal action imposed by the
First appellate Authority or the Central Information Commission.


Accounts Officer/CPIO

To

① AR, Customs SSR

Copy to: Shri R.K. Jain, 1512 B, Ishikuma Pitanaha Marg,
Wazirpur, Nager, New Delhi - 110003

Final Release

13

F No 09-105/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated- 7/7/14

ID No. 09-105/2014

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- 8393/14 Dt- 4/7/14
and our ID No. 09-105/2014, the information received from - A-2 - Clerk
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

14

EXCISE BRANCH

ID No. 09-105/2014

To



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

With reference to your letter No. ID/09-105/2014 dated 10.06.2014 .

In this reference to required information furnished as under.

- 4 (A) we do not maintain draft cause list, we maintain fair cause list filled in with proceeding.
(B) we do not maintain such list..
(C) please see in Column A.
(D) yes we follow the procedure .
(E) If any direction comes from the Hon'ble bench, or by open mention of depts./ assesses or any direction comes from Hon'ble Supreme Court/High Court, or due to any typing mistake.
(F) For this purpose number of concerned appeals may be given please. An inspection of record may be made please.
(G) File No. Nil.
(H) RTI Section.

Encl.: 0 Pages.


Assistant Registrar
Excise Branch
03.07.2014


1918/CPIO
03/07/2014

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

Date of Hearing/decision: 14.10.2014

**Appeal No.09-047(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-105/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER -046/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 09.06.2014 has sought the following information:-

- (A) Please provide copies of the draft cause list for the first two weeks of May'2004 and as referred to in Para 12.02 of the CESTAT Office Manual for all Delhi Benches of CESTAT.
- (B) Please provide list of the files which were found to be non traceable by the Bench Clerk to the Head Clerk and the concerned Assistant Registrar as per the Para 12.02 of the CESTAT Office Manual. This information may be provided from 01.10.2013 till the date of providing the information.
- (C) Please provide the copies of the draft cause list for the first two weeks of May'2014 and as referred to in Para 12.05 of the CESTAT Office Manual for all Delhi Benches of CESTAT.
- (D) Please provide information as to whether the procedure prescribed in Para 12.01 to 12.19 for preparation and issue of Cause List is duly complied with by the Staff of each Bench including the concerned Court Masters and the concerned Assistant Registrar. If not, please provide details of the deviation and non-compliance by each Bench of the Registry.
- (E) Please provide detailed procedure and practice adopted by the Registry of each bench for issue of the supplementary

25-10-14
ISSUED ON

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

Cause List from 01.04.2013 till the date of providing the information.

- (F) Please provide information and copies of the instruction or intimation received regarding listing of cases from PS to the Hon'ble President/Hon'ble Members, Court Masters and the Registrar. This information may be provided from 01.04.2013 till the date of providing the information.
- (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 the application has been dealt with till the date of providing the information. In case of correspondence emanating from me, only cop of first page of each document may be provided.

2. Since the appellant is not satisfied with the information^{summarized}, this appeal has been filed.

3. In this Tribunal the Cause List of the cases to be listed for hearing in a particular week is prepared during the preceding week and the preparation starts from Monday of the preceding week when draft cause list is prepared. On the basis of the draft cause list, the files of the cases figuring in it are traced and taken out from the concerned sections and in case the file of some cases are not traceable, those cases are deleted and not listed. The final cause list is issued on Thursday and is prepared after taking into account the non traceable/missing files which could not be located and order/instructions from Bench regarding listing of matters. Para 12.02 of the CESTAT Judicial Manual deals with the preparation of draft cause lists. The appellant wants copies of the draft cause lists for first

24

two weeks of May'2014 and also the list of the files found to be non-traceable/missing for the period from 01.10.2013 till date. Beside this, he also wants the copies of draft cause list for the first two weeks of May'2014 for all Delhi Benches of CESTAT. He also wants information about detailed practice regarding issue of Supplementary Cause List and also information about the instructions or intimation regarding listing of cases received from PS to the Hon'ble President/Hon'ble Members, Court Masters and the Registrar.

4. After hearing both the sides, the following order is passed.

4.1 In respect of the point 'A' the draft Cause Lists prepared for Nov.'14 and Dec.'14 may be provided.

4.2 As regards point 'B', list of non-traceable/missing files from June'14 till date may be provided.

4.3 As regards point 'C', the copies of draft Cause Lists prepared for Nov.'14 and Dec.'14 as per para 12.5 of the CESTAT Manual after comparing the draft Cause List with the diary maintained by the Assistant Registrar as also the diary maintained by the Court Masters may be provided.

4.4 Information about point 'D' has been provided and the Appellant is satisfied with the same.

4.5 As regards point 'E' & 'F', information may be provided regarding details of the directions about listing of cases in Supplementary Cause List issued from the office of President/Members, since 01.10.2013 till the date of furnishing of the information.

4.6 Information in respect of point 'G' & 'H' has been provided and the appellant is satisfied with the same.

5. All the information/document may be provided within three 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. Guard file/OC

41/AR(CFAA)/2014
16/7/14
By No 2437/14-CA
15/7/14
Appeal No. 09-048(A)/2014

①

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

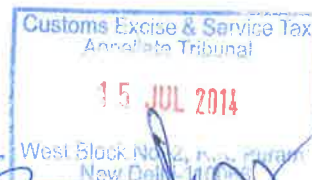
SPS to
Honble PAA

Ref. No. : RTI/P-537/(8412/14)/Appeal/15300

Dated : 14-07-2014

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



570x

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, CESTAT New Delhi, Accounts Officer/CPIO (2) Shri Kripa Shanker, AR (Customs and Service Tax 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)	09-06-2014
3.	Details of the order appealed against	Letter F. No. 09-110/CESTAT/CPIO-ND RP/2014 dated 07-07-2014
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	07-08-2014
6.	Whether Appeal in Time	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 9-6-2014. (Annexure-1) 2. Copy of CPIO's letter dated 10-6-2014. (Annexure-2) 3. Copy of Appellant's 3 Reminder letters

CPIO
17/7/14

		dated 16-6-2014. (Annexure-3)
		4. Copy of CPIO's letter dated 7-7-2014. (Annexure-4)
		5. Copy of CPIO's letter dated 7-7-2014. (Annexure-5)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 09-06-2014 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide List of cases about the permission granted by the Hon'ble President, CESTAT for pronouncement of orders after a period of 4 months and after a period of 6 months from the date of final hearing from 01.04.2013 till date of providing the information.

(B) Please provide copy of the Affidavits filed by Shri R.K. Pandey and by the Juridical Commissioner of Central Excise, Delhi-II in Appeal Nos. E/58185/2013, E/58208/2013, E/58343/2013 and connected matters. Please also provide copies of all Notesheets put up by the Registry and Record of Proceedings with copies of all Vakalatnamas

(C) Please provide the following information in relation to (i) Appeal No. Customs 18/2009 - Omaxe International, (ii) Excise 1261/2010 - Hero Motocorporation and (iii) Siddhant Enterprises v. Commissioner of Customs-(Appeal No. Customs Appeal No. 4084 and 4085 of 2012) :-

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

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

(iii). All after-court cause lists and after-court supplementary cause lists.

(iv). Please provide copies of all orders passed by the President in the aforesaid appeals for grant of extension for pronouncement of order.

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

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

- (D) 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 (C) 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.
- (E) Please provide list of files from which the information as sought above is provided by you
- (F) 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 deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

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

Shankar, Assistant Registrar (Customs, Service Tax and Anti Dumping Branch) and Deemed CPIO, have deliberately and malafidely not provided complete and correct information despite point-wise specific information sought by the Appellant in Point (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:

- (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 : 14-07-2014

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

Ref. No. :RTI/P-195/8412/14

Dated : 9-6-2014

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 List of cases about the permission granted by the Hon'ble President, CESTAT for pronouncement of orders after a period of 4 months and after a period of 6 months from the date of final hearing from 01.04.2013 till date of providing the information.</p> <p>(B) Please provide copy of the Affidavits filed by Shri R.K. Pandey and by the Jurisdictional Commissioner of Central Excise, Delhi-II in Appeal Nos. E/58185/2013, E/58208/2013, E/58343/2013 and connected matters. Please also provide copies of all notesheets put up by the Registry and Record of Proceedings with copies of all Vakalatnamas.</p> <p>(C) Please provide the following information in relation to (i) Appeal No. Customs 18/2009 - Omaxe International, (ii) Excise 1261/2010 - Hero Motocorporation and (iii) Siddhant Enterprises v. Commissioner of Customs- (Appeal No. Customs Appeal No. 4084 and 4085 of 2012) :-</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) All after-court cause lists and after-court supplementary cause lists.</p>

	<p>(iv) Please provide copies of all orders passed by the President in the aforesaid appeals for grant of extension for pronouncement of order.</p> <p>(v) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.</p> <p>(vi) 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>(D) 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 (C) 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>(E) Please provide list of files from which the information as sought above is provided by you</p> <p>(F) 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 433843 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
Hira/----


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

8

F.No. 09-110...../CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 10/06/14ID No. 09-110/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 8412/14 dated
09/06/14 (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. 8412/14 dated 09/06/14 CPIO ID No 09-110/14 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 24/6/2014 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013

Encl: as above


(Rajender Prasad)
Accounts Officer/CPIO

To

- 1 PA to Registrar CESTAT NDell
- 2 Asst. Registrar Excise,
- 3 Asst. Registrar Customs.

✓ Copy for information to:-

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

V-9877 NEW DELHI - 110003.

Guaranteed file

(9)

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

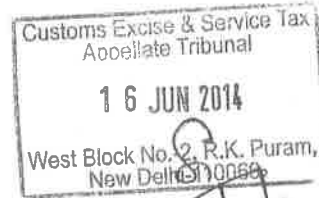
President, Excise and Customs Bar Association

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



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

RTI/P-195/8412/14/R11294
16-06-2014

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

Sub: My RTI Application No. RTI/8412/14, dated 9/6/2014

Dear Sir,

This refers to the letter F.No.09-110/CESTAT/CPIO-ND/RP/2014 dated 10-06-2014 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]

o/c

10

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

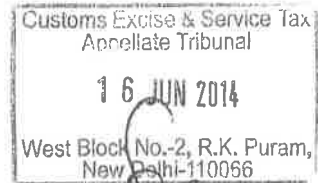
President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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



16/6/14
1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243

RTI/P-195/8412/14/R11296
16-06-2014

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

Sub: My RTI Application No. RTI/8412/14, dated 9/6/2014

Dear Sir,

This refers to the letter F.No.09-110/CESTAT/CPIO-ND/RP/2014 dated 10-06-2014 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]

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

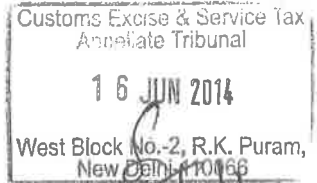
President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

Central Excise Law Guide; Central Excise Tariff of India;
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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-195/8412/14/R11294
16-06-2014

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

Sub: My RTI Application No. RTI/8412/14, dated 9/6/2014

Dear Sir,

This refers to the letter F.No.09-110/CESTAT/CPIO-ND/RP/2014 dated 10-06-2014 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]

F.No. 09/10/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

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

ID No. 09-11/2014

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---8412/14--- Dt---9⁶/₁₄ and our ID No. 09-11/2014.. the information received from - Registrar, ~~Regd. Office~~ 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

With reference to RTI No 09-110/14, please find enclosed herewith requisite information.

Appeal No
Gujrat maritime
E/430/12
C/740-744, 770-774/08
C/681/06
Oracle India and DHL Enterprises
C/S/419/12 in C/670/12
E/3648/2006-ExDB, E/2758/07-Ex, E/334/08-Ex
E/56/2009-Ex DB
E/989/2005-Ex DB
C/18/2009 Cu
C/Stay/3801/11 in C/639/11-Cu
C/Stay/58925/2013 in C/58264/13 Cu
C/Stay/59749 & 59750/13 in C/59071-59072/13 Cu
C/1324 & 1325/06 and C/14/2007
E/541-543, 971-974/06 Ex
E/1112, 1113, 1114/06 SM
E/1519/2010
E/3590/05-Ex
C/464-466/08
E/541/2007, E/2786/07, E/2652/08 & E/488/10
E/2268-2269/05E/2257/06 & E/2268-2271/05
E/Stay/59735/2013 in E/58737/2013-Ex DB
E/1698/2011-SM
E/1862/2005 & E/1863/2005 Ex-DB
E/1862/2005 & E/1863/2005 Ex-DB

Registrar

CPIO, CESTAT
New Delhi

1320/CPTO
27/07/2014

Reminder

(14)

F.No. 05-110...../CESTAT/CPIO-ND/RP/2014
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 7/7/14ID No. 09-110/2014

Subject : Information sought under RTI Act.

Please refer to RTI application No. 8412/14 dated 09/6/14
 of Shri R.K. Jain CPIO ID 09-110/2014 the requisite information
 was called for from you, the same have not been provided by you till dated
 despite of letter/~~reminder~~ dated 10/6/14 issued to you as deemed CPIO
 under section 6(3) and section 5(4) read with section 5(5) of Right to Information
 Act as you are the custodian of the information.

You are again requested to please provide the information within 04 days
 failing which you are responsible for any action or penal action imposed by the
 First appellate Authority or the Central Information Commission.


 Accounts Officer/CPIO

To

- ① AR, Excise
 ② AR, Customs & ST

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

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

Date of Hearing/decision: 14.10.2014

**Appeal No. 09-048(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-110/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER -047/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 09.06.2014 have sought the following information:-

- (A) Please provide list of cases about the permission granted by the Hon'ble President, CESTAT for pronouncement of orders after a period of 4 months and after a period of 6 months from the date of final hearing from 01.04.2013 till date of providing the information.
- (B) Please provide copy of the Affidavits filed by Sh. R.K. Pandey and by the Jurisdictional Commissioner of Central Excise, Delhi-II in Appeal Nos. E/58185/2013, E/58208/2013, E/58343/2013 and connected matters. Please also provide copies of all note sheets put up by the Registry and Record of Proceedings with the copies of all Vakalatnamas.
- (C) Please provide the following information in relation to (i) Appeal No. Customs 18/2009- Omax International, (ii) Excise 1261/2010- Hero Moto Corporation and (iii) Siddhant Enterprises Vs. Commissioner of Customs (Appeal No. Customs Appeal No. 4084 and 4085/2012):-
 - (i) Copies of all Order Sheets/Record of Proceedings.
 - (ii) Copies of all the notes put up by the registry with orders thereon.
 - (iii) All after court cause lists and after court supplementary cause lists.

- (iv) Please provide copies of all orders passed by the President in the aforesaid appeals for grant of extension for pronouncement of order.
- (v) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.
- (vi) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.
- (D) 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 'C' 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.
- (E) Please provide list of files from which the information as sought above is provided by you.
- (F) 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 satisfactory, this appeal has been filed.

3. Heard both the sides.

4. The information sought has been received and the appellant is satisfied with the same. Hence the appeal is dismissed as not pressed.



(Rakesh Kumar)
Member(Technical)

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

1. Copy to CPIO.

2. Guard file / OC

Appeal No. 09-045 CH/2014
Dy. DIO - 2438/14-CH/2014
15/7/2014

42/RIC CFAR/2014
16/7/14

①

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

SPS
Hoikle FAX

Ref. No. RTI/P-537/(8413/14)/Appeal/15301
Dated : 14-07-2014

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 Accounts Officer/CPIO (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)	11-06-2014
3.	Details of the order appealed against	Letter F. No. 09-115/CESTAT/CPIO-ND /RP/2014 DATED 07-07-2014
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	07-08-2014
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 11-6-2014. (Annexure-1) 2. Copy of CPIO's letter dated 13-6-2014. (Annexure-2) 3. Copy of Appellant's 3 Reminder letters dated 16-6-2014. (Annexure-3) 4. Copy of CPIO's letter dated 7-7-2014.

CPI
17/7

	(Annexure-4)
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BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 11-06-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide date and diary number under which Delhi High Court letter No.4257/W/DHC/Writs/D-1/2014 dated 28.02.2014 addressed to the President, CESTAT was received in the Office of the President, CESTAT.*
 - (B) *Please provide the date when the said letter was placed before the Hon'ble President, CESTAT.*
 - (C) *Please provide the copies of the notesheets put up by the Registrar of CESTAT in respect of the aforesaid letter of Delhi High Court.*
 - (D) *Please provide the certified copy of the aforesaid letter of Delhi High Court along with all endorsements and markings.*
 - (E) *Please provide datewise details of the action marked / directed by the President, CESTAT in respect of the aforesaid letter of Delhi High Court.*
 - (F) *Please provide copy of the order / directions issued by the President, CESTAT, in relation to the aforesaid letter of Delhi High Court.*
 - (G) *Please provide the datewise details of the action taken by CESTAT against the erring officials of the CESTAT.*
 - (H) *Please provide details of the measures taken for reoccurrence of such lapses by CESTAT Registry in future.*
 - (I) *Please provide the details of the compliance made to the Order dated 21.02.2014 passed by the Hon'ble Delhi High Court in WP (C) No.4931/2012.*
 - (J) *Please provide copy of the compliance report / action taken report sent to Delhi High Court.*

NOTE: The above information is also held by the Registrar, CESTAT and the O/o. The President, CESTAT, therefore, this application may also be forwarded to them under Section 5(4) & 5(5) of the RTI Act, 2005

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri Rajender Prasad, CPIO ,CESTAT New Delhi and Shri A. Mohan Kumar, Registrar and Deemed CPIO, have deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND'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 and Shri A. Mohan Kumar, Registrar and Deemed CPIO, have deliberately and malafidely not provided complete and correct information as sought in the aforesaid RTI Application and particularly in Point (C), (E), (F) & (I) thereof. 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.
- (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

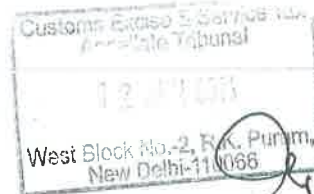
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8413/14

Dated : 11-6-2014

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 date and diary number under which Delhi High Court letter No. 4257/W/DHC/Writs/D-1/2014 dated 28.02.2014 addressed to the President, CESTAT was received in the Office of the President, CESTAT.</p> <p>(B) Please provide the date when the said letter was placed before the Hon'ble President, CESTAT.</p> <p>(C) Please provide the copies of the notesheets put up by the Registrar of CESTAT in respect of the aforesaid letter of Delhi High Court.</p> <p>(D) Please provide the certified copy of the aforesaid letter of Delhi High Court along with all endorsements and markings.</p> <p>(E) Please provide datewise details of the action marked / directed by the President, CESTAT in respect of the aforesaid letter of Delhi High Court.</p> <p>(F) Please provide copy of the order / directions issued by the President, CESTAT, in relation to the aforesaid letter of Delhi High Court.</p> <p>(G) Please provide the datewise details of the action taken by CESTAT against the erring officials of the CESTAT.</p> <p>(H) Please provide details of the measures taken for reoccurrence of such lapses by CESTAT Registry in future.</p>

		<p>(I) Please provide the details of the compliance made to the Order dated 21.02.2014 passed by the Hon'ble Delhi High Court in WP (C) No.4931/2012.</p> <p>(J) Please provide copy of the compliance report / action taken report sent to Delhi High Court.</p> <p>Note:-The above information is also held by the Registrar, CESTAT and the O/o the President, CESTAT, therefore, this application may also be forwarded to them under Section 5(4) & 5(5) of the RTI Act, 2005</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 433845 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

mn8413

(7)

F.No. 09-115/CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 13/06/14ID No. 09-115/14

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 8412/14 dated
11/06/14 (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. 8412/14 dated 11/06/14 CPIO ID No 09-115/14 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 24/6/2014 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013

Encl: as above

(Rajender Prasad)
Accounts Officer/CPIO

To

- 1 PA to Registrar
- 2 AR (Admin)
- 3 SPS to President

Copy for information to:-

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

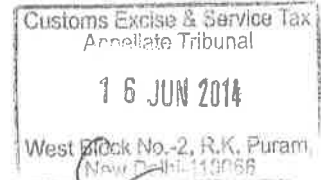
Ground file

O/C

ANNEXURE-3

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

Central Excise Law Guide; Central Excise Tariff of India;
Central Excise Law Manual; Customs Tariff of India;
Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case References;
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-195/8413/14/R11297

16-06-2014

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

Sub: My RTI Application No. RTI/8413/14, dated 11/6/2014

Dear Sir,

This refers to the letter F.No.09-115/CESTAT/CPIO-ND/RP/2014 dated 13-06-2014 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]

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

President, Excise and Customs Bar Association

Editor of

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Services; Valuation under Central Excise; Hand-
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**1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243**

RTI/P-195/8413/14/R11298
16-06-2014

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

Sub: My RTI Application No. RTI/8413/14, dated 11/6/2014

Dear Sir,

This refers to the letter F.No.09-115/CESTAT/CPIO-ND/RP/2014 dated 13-06-2014 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]

o/c (10)

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

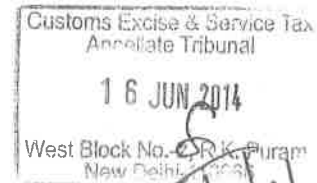
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**1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243**

RTI/P-195/8413/14/R11299
16-06-2014

SPS to President

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

Sub: My RTI Application No. RTI/8413/14, dated 11/6/2014

Dear Sir,

This refers to the letter F.No.09-115/CESTAT/CPIO-ND/RP/2014 dated 13-06-2014 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]

F No ~~09-115~~/CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated ~~7/7/14~~

ID No ~~09-115/2014~~

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 ~~8413/14~~ ⁶ ~~DI-11/14~~ and our ID No. ~~09-115/2014~~ the information received from ~~SPS to Hon'ble Secy~~ ^{Registrar SPS Adm} containing ~~03~~ 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

12

RTI No. 115/2014

With reference to RTI No.115/2014 it is submitted that no such letter No.4257/W/DHC/Writs/D-1/2014 dated 28.2.2014 as stated in the ID No. 115/2014 has been received from the Hon'ble Delhi High Court by Hon'ble President. However on perusal of records a letter No. 4657/DHC/WRITS/D-I/2014 DATED 28.2.2014 has been received from Hon'ble Delhi High Court to Hon'ble President and in furtherance to the direction of the Hon'ble President a circular No01/04/Circular/CESTAT/2014 dated 14.03.2014 has been issued to all the DR/ARs.


Registrar 5/3

CPIO
CESTAT
New Delhi

1321/CPIO
07/07/2014

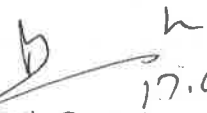
Dated : 16/06/2014

Sub Information sought under RTI Act 2005-reg.

Sir,

Kindly refer to CPIO letter No. 09-115/CESTAT/CPIO-ND/RP/2014 dated 13/06/2014, Shri. S.K. Verma, R.T.I. application No.RTI/P-195/8413/14 dated 11/06/2014, it is stated that as per available records the requisite information is not available in Admn Section.

This is for information.


(Mukesh Gupta)
Assistant Registrar(Admn)

To,

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


18/6/14

188/cp50
18/06/2014

CESTAT, New Delhi

Dated:17.6.2014

In pursuance of the letter F.No.09-115/CESTAT/CPIO-ND/RP/2014 dated 13.6.2014 seeking to provide date and diary number under which Delhi High Court letter No.4257/W/DHC/Writs/D-1/2014 dated 28.2.2014 was received in the office of Hon'ble President as asked for by the applicant in his RTI application No.8413/14 dated 11.6.2014, it is submitted that after thorough scrutiny of our diary movement register, 2014, no such letter is found to be recorded therein. If permitted, the applicant may inspect our diary movement register of 2014.


(S.C. Das)

Sr.P.S. to Hon'ble President

CPIO, CESTAT, New Delhi.

sn vpc
17/6/14

1885/CPSO
23/06/2014

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

Date of Hearing/decision: 14.10.2014

**Appeal No. 09-049(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-115/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER - 048/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 11.06.2014 has sought the following information:-

- (A) Please provide date and diary number under which Delhi High Court Letter No.4257/W/DHC/writs/D-1/2014 dt. 28.02.2014 addressed to the President, CESTAT was received in the Office of the President, CESTAT.
- (B) Please provide the date when the said letter was placed before the Hon'ble President, CESTAT.
- (C) Please provide the copies of the note sheets put up by the Registrar of CESTAT in respect of the aforesaid letter of Delhi High Court.
- (D) Please provide the certified copy of the aforesaid letter of Delhi High Court along with all endorsements and markings.
- (E) Please provide detail wise details of the action market/directed by the President, CESTAT in respect of the aforesaid letter of Delhi High Court.
- (F) Please provide copy of the order/directions issued by the President, CESTAT, in relation to the aforesaid letter of Delhi High Court.
- (G) Please provide the datewise details of the action taken by CESTAT against the erring officials of the CESTAT.

98 TO 104
ISSUED ON
SIGN, (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110058

- (H) Please provide details of the measures taken for reoccurrence of such lapses by CESTAT Registry in future.
- (I) Please provide the details of the compliance made to the Order dt. 21.02.2014 passed by the Hon'ble Delhi High Court in WP(C) No.4931/2012.
- (J) Please provide copy of the compliance report action taken report sent to Delhi High Court.

2. Since the information was not satisfactory, this appeal has been filed.

3. Heard both the sides.

4. The information sought is in respect of Letter Diary No. 4257/W/DHC/writs/D-1/2014 dt.28.02.2014 from Hon'ble Delhi High Court addressed to the President. The information given to the appellant simply states that no such letter with the above mentioned diary number has been received from Hon'ble High Court and instead of Letter No. 4657/W/DHC/Writs/D-1/2014 dt. 28.02.2014 has been received from Hon'ble Delhi High Court. The Applicant clarifies that the correct diary no. of the Hon'ble Delhi High Court's letter referred to in point 'A' of RTI Application is "4657/W/DHC/Writs/D-1/2014 dt. 28.02.2014". Since this letter has been received from Hon'ble Delhi High Court, the required information/documents as per the RTI Application may be furnished to the appellant within two weeks time.


(Rakesh Kumar)
Member(Technical)

To

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

Appeal No. 09-55(A)/2014.

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

①

Ref. No. : RTI/P-537/(7522/13)/Appeal/6227

Dated : 11-01-2014

D/NO-106/CK-14
To
13/1/14

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

Customs, Excise & Service Tax
Appellate Tribunal
13 JAN 2014
West Block 2, R.K. Puram,
New Delhi - 110066

13/01/14

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)	27-11-2013	
3.	Details of the order appealed against	Appeal against deemed refusal	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	27-1-2014	
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 27-11-2013 (Annexure-1) (2) Copy of CPIO's letter dated 3-12-2013 (Annexure-2) (3) Copy of Appellant's letter dated 9-12-2013 to Asstt. Registrar (Admn) (Annexure-3) (4) Copy of Appellant's letter dated 9-12-2013 to Registrar (Annexure-4)	

12/FAA/Adm/13/1
13/1/14

BRIEF FACTS OF THE CASE

(1) The appellant has filed an application dated 27-11-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Provide copies of application for leave (All types including Earned Leave, Casual leave, LTC, Medical & Station Leave, Study leave) of all the Members, Vice President and President of the Tribunal from 01.01.2013 till date of providing information.

(B) Please provide copies of all Note Sheets of Roaster file for 2013.

(C) Please provide copies of all tour orders and Note Sheet and Tour file for the year 2013.

(D) Please provide copies of Notes put up by the Registrar to the Hon'ble President from 01.06.2013 for constitution of Benches for hearing of Difference of Opinion Benches, ROM matter, Remand matters and for constitution of special Benches under direction of the Benches or President, CESTAT.

(E) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application is dealt with

(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 3-12-2013 (**Annexure-2**) of the CPIO & Accounts Officer to Registrar and AR (Admin), Customs Excise and Service Tax Appellate Tribunal, West Block No. 2, R.K. Puram New Delhi-110066. The Appellant vide letters both dated 9-12-2013 to Asstt. Registrar (Admn) (**Annexure-3**) and to Registrar (**Annexure-4**) requested the said authorities to provide the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The

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

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

4

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

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the CPIO may be directed to provide the information in question within 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 : 11-01-2014

O/C
Amixur - 1
(5)

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

Ref. No. :RTI/P-195/7522/13

Dated : 27-11-2013

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) Provide copies of application for leave (All types including Earned Leave, Casual leave, LTC, Medical & Station Leave, Study leave) of all the Members, Vice President and President of the Tribunal from 01.01.2013 till date of providing information. (B) Please provide copies of all Note Sheets of Roaster file for 2013. (C) Please provide copies of all tour orders and Note Sheet and Tour file for the year 2013. (D) Please provide copies of Notes put up by the Registrar to the Hon'ble President from 01.06.2013 for constitution of Benches for hearing of Difference of Opinion Benches, ROM matter, Remand matters and for constitution of special Benches under direction of the Benches or President, CESTAT. (E) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application is dealt with Note:-Please provide point-wise information/response for each of above points.
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	

6.	A Postal Order No. 13F 872797 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

Hire/---7522
rks

(7)

F.No. 08-218 / CESTAT/CPIO-ND/RA/2013
 Customs Excise and Service Tax Appellate Tribunal
 West Block No 2, R.K.Puram, New Delhi-110 066

Dated: 3/12/12

ID No. 08-218/2013

Subject: Information sought under RTI Act, 2005.

Sir,

Please refer to RTI application of Shri / Smt. R.K. Jain under RTI Act 2005 vide No. 7522/13 dated 27/11/13 (copy enclosed) wherein certain information are sought as mentioned therein is related in 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. 7522 dated 27/11/13 CPIO ID No. 08-218/13 is forwarded herewith to the following officers as deemed CPIO with the request to provide the correct and parawise information/inspection on or before 13/12/12 directly to the applicant and intimate the undersigned within the stipulated time failing which, you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated; 12.02.2013 circulated on 23.05.2013

Encl: As above.

[Signature]
 ADO / CPIO

To

1. Registrar, CESTAT, New Delhi

2. AR (Admin)

3. Shri R.K. Jain, 1512-B, Bhishma Pitamah Marg,

4. Wazir Nagar, New Delhi with his RTI application

5. No. RTI/P-195/2527/13 dt 27/11/13 - Polt (B) Information

6. _____

Copy to

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, CUSTOMS TARIFF,

CENTRAL EXCISE MANUAL, CUSTOMS LAW MANUAL &

EXIM POLICY AND HANDBOOK OF PROCEDURE

TIME BOUND

RTI

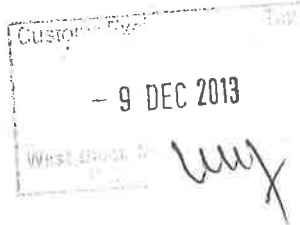
1512-B, Bhishm Pitamah Marg,
Wazir Nagar

NEW DELHI - 110 003.

PH. : 24651101, 24693001 - 3004

MOBILE : 9810077977

Fax No.: 011-24635243



RTI/P-195/7522/13/R8465

09-12-2013

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

Sub: My RTI Application No. RTI/7522/13, dated 27/11/2013

Dear Sir,

This refers to the letter F.No. 08-218/CESTAT/CPIO-ND/RP/2013 dated 3-12-2013 of Mr. Rajender Parsad CPIO & Accounts Officer, CESTAT, New Delhi - 110 066, transferring my aforesaid RTI application to you under section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,


[R.K. Jain]

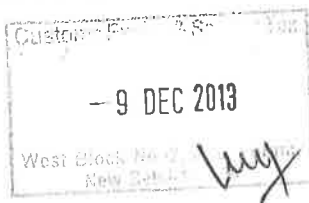
01-
Annexure-4

(9)

R.K. JAIN M.Com., LL.B.
President, Excise and Customs Bar Association
Editor of
EXCISE LAW TIMES & SERVICE TAX REVIEW
and author of
CENTRAL EXCISE LAW GUIDE
CENTRAL EXCISE TARIFF, CUSTOMS TARIFF,
CENTRAL EXCISE MANUAL, CUSTOMS LAW MANUAL &
EXIM POLICY AND HANDBOOK OF PROCEDURE



1512-B, Bhishm Pitamah Marg,
Wazir Nagar
NEW DELHI - 110 003.
PH. : 24651101, 24693001 - 3004
MOBILE : 9810077977
Fax No.: 011-24635243



RTI/P-195/7522/13/R8467
09-12-2013

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

Sub: My RTI Application No. RTI/7522/13, dated 27/11/2013

Dear Sir,

This refers to the letter F.No. 08-218/CESTAT/CPIO-ND/RP/2013 dated 3-12-2013 of Mr. Rajender Parsad CPIO & Accounts Officer, CESTAT, New Delhi - 110 066, transferring my aforesaid RTI application to you under section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

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

Date of Hearing/decision: 14.10.2014

**Appeal No.09-050(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 08-218/CESTAT/CPIO-ND/RP/2013**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 04/10/2014

Per Rakesh Kumar:-

The appellant vide RTI Application dt. 27.11.2013 has sought the following information:-

- (A) Please provide copies of application for leave (All types including Earned Leave, Casual Leave, LTC, Medical & Station Leave, Study Leave) of all the Members, Vice President and President of the Tribunal from 01.01.2013 till date of providing information.
- (B) Please provide copies of all Note Sheets of Roaster file for 2013.
- (C) Please provide copies of all tour orders and Note Sheet and Tour File for the year 2013.
- (D) Please provide copies of Notes put up by the Registrar to the Hon'ble President from 01.06.2013 for constitution of Benches for hearing of Difference of Opinion Benches, ROM matter, Remand matters and for constitution of special Benches under direction of the Benches or President, CESTAT.

98-10-14
ISSUED ON
SIGN (OFFICE SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110048

[Handwritten signature]

- (E) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application is dealt with.

2. Since the information was not received by the appellant with 30 days, treating the same as deemed refusal he has filed this appeal.

3. Heard both the sides.

4. The CPIO admits that the information has not been sent as the same is yet to be received from the Registrar and ^{AIR (admn)} ~~AR~~ Registrar. The CPIO is directed to furnish this information to the appellants 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. *Amazal file*