

56/ Rk(FIA) 2014 Appeal No-09-087(14)/2014
29/8/14

①

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

Ref. No. : RTI/P-537/(8472/14)/Appeal/15351

Dated : 19-08-2014

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	1. Shri Rajender Prasad CPIO & Accounts Officer 2. Assistant Registrar(Excise Appeal Branch)
		(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)	10-07-2014	
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	10-9-2014	
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 10-7-2014. (Annexure-1) 2. Copy of CPIO's letter dated 16-7-2014. (Annexure-2) 3. Copy of Appellant's reminder letter dated 21-7-2014. (Annexure-3)	

2

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 10-07-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide the following information in relation to Appeal Nos. (i) E/2206/2012 (A Infrastructure Ltd.) (ii) E/2207/2012 (Sanjay Kanoria) (iii) E/2208/2012 (V K Gupta) (iv) E/2304/2012 (Parasmal Mehta Proprietor) (v) E/2305/2012 (Jai Kumar Singhvi Proprietor) (vi) E/2306/2012 (Darpan Jain Proprietor)*
- (i) *Copies of all Order Sheets/Record of Proceedings.*
- (ii) *Copies of all the notes put up by the registry with orders thereon.*
- (iii) *Copies of any order/directions for out of turn listing of the matter.*
- (iv) *Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.*
- (v) *Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.*
- (vi) *Copies of all notice of hearing issued to parties.*
- (vii) *Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.*
- (B) *Please provide list of files from which the information as sought above is provided by you.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the appellant received letter dated 16-7-2014 (**Annexure-2**) of the CPIO to Assistant Registrar (Excise), CESTAT, New Delhi. The Appellant vide letter dated 21-7-2014 (**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 Assistant Registrar (Excise), CESTAT & Shri Rajendra Prasad, CPIO, CESTAT, New Delhi is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.

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

PRAYER

Under the circumstances, the appellant prays as under:

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



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

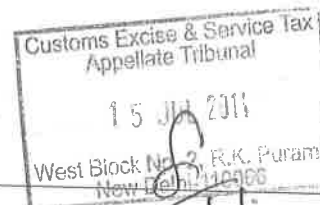
Place : New Delhi
Dated : 19-08-2014

Ref. No. :RTI/P-195/8472/14

Dated : 10-7-2014

To

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



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide the following information in relation to Appeal Nos. (i) E/2206/2012 (A Infrastructure Ltd.) (ii) E/2207/2012 (Sanjay Kanoria) (iii) E/2208/2012 (V K Gupta) (iv) E/2304/2012 (Parasmal Mehta Proprietor) (v) E/2305/2012 (Jai Kumar Singhvi Proprietor) (vi) E/2306/2012 (Darpan Jain Proprietor)</p> <p>(i) Copies of all Order Sheets/Record of Proceedings.</p> <p>(ii) Copies of all the notes put up by the registry with orders thereon.</p> <p>(iii) Copies of any order/directions for out of turn listing of the matter.</p> <p>(iv) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.</p> <p>(v) Copies of all the After Court Cause Lists and copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.</p> <p>(vi) Copies of all notice of hearing issued to parties.</p> <p>(vii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p>

6

	(B) Please provide list of files from which the information as sought above is provided by you. Note:-Please provide pointwise 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. 23F 426190 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.



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

Place : New Delhi

Encl. : as above

Hira/—8472

(7)

F.No.....09-134.../CESTAT/CPIO-ND/RP/2014 ,
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated-----16/7/2014

ID No.-----09-134/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R. K. Jain
 Under RTI Act 2005 vide No. 8472/14 dated
10/7/14 (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. 8472/14 dated 10/7/14 CPIO ID No. 09-134/2014 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 28/7/14 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013.

Encl: as above


 (Rajender Prasad)
 Accounts Officer/CPIO

To

- 1 AR, Excise Appeal Branch
- 2 _____
- 3 _____

✓ Copy for information to:-

Sh R. K. Jain

1519-B BHISHAM PITAMAH MARG,
 NEW DELHI-110003.

11-10740
 For File



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-195/8472/14/R11714



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

Sub: My RTI Application No. RTI/8472/14, dated 10/7/2014

Dear Sir,

This refers to the letter F.No.09-134/CESTAT/CPIO-ND/RP/2014 dated 16.07.2014 of Shri Rajendra 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]

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.09-057(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-134/CESTAT/CPIO-ND/RP/2014

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 056/2014

Per Rakesh Kumar:-


1. Heard both the sides.
2. The information sought by the appellant vide RTI application dt. 10.07.2014 has been received by him and he is satisfied with the same. Accordingly the appeal is dismissed as not pressed


(Rakesh Kumar)
Member(Technical)

To

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



28-10-14
ISSUED ON

SIGNATURE
CUSTOMS AND EXCISE
APPELLATE TRIBUNAL
NEW DELHI

SPS to FAA
57/RA(FAA)/2014
1/9/14
Appeal No. 07-058(A)/2014
1

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

Ref. No. : RTI/P-537/(8576/14)/Appeal/15352

Dated : 01-09-2014

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



A. Contact Details :

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

B. Details About RTI Request :

CPIO
13/9
3A

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name (1) Shri Rajender Prasad CPIO & Accounts Officer (2) Shri A. Mohan Kumar, Registrar and Deemed CPIO (3) Shri S.C. Das, Deemed CPIO and SPS of the President, CESTAT, (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)	13-08-2014
3.	Details of the order appealed against	Letter F. No. 09-138/CESTAT/CPIO-ND /RP/2014 dated 20-08-2014
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	20-09-2014
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 13-8-2014. (Annexure-1) 2. Copy of CPIO's letter dated 14-8-2014. (Annexure-2) 3. Copy of Appellant's 2 Reminder letter dated 17-8-2014. (Annexure-3) 4. Copy of CPIO's letter dated 20-8-2014.

2

	(Annexure-4)
--	--------------

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 13-08-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide date and diary number under which the complaint of Shri J.K. Bansal dated 23.12.2013 addressed to Shri G. Raghuram, Hon'ble President, CESTAT, regarding the case of Bhushan Steels & Strips Company Ltd. was received in the CESTAT.*
- (B) *Please provide the date when it was placed before Hon'ble Shri G. Raghuram, President, CESTAT.*
- (C) *Please provide datewise details of the action taken on the said complaint and the name and designation of the officer to whom it has been marked.*
- (D) *Please provide the certified copy of the first page of the said complaint with all markings and endorsements.*
- (E) *Please provide list of the communications, references, complaints and representations received from various persons/authorities in relation to Central Excise Appeal No.1294 of 2010 of Bhushan Steels & Strips Limited, Sahibabad, from 2011 till the date of providing the information.*
- (F) *Please provide datewise details of the action taken with reference to the documents referred to in Point (E) above.*
- (G) *Please provide list of the file number in which the reference/complaint as referred to in Point (A) & (E) above has been dealt with and provide copies of all the notesheets and correspondence pages of such file.*
- (H) *Please provide the details of the current status of the documents referred to in Point (A) & (E) above.*

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

CPIO in question.

- (3) That Shri Rajender Prasad, CPIO ,CESTAT New Delhi, Shri A. Mohan Kumar, Registrar and Deemed CPIO and Shri S.C. Das, deemed CPIO and SPS of the President, CESTAT, have deliberately and malafidely provided incomplete, incorrect and misleading information. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri Rajender Prasad, CPIO ,CESTAT New Delhi, Shri A. Mohan Kumar, Registrar and Deemed CPIO and Shri S.C. Das, deemed CPIO and SPS of the President, CESTAT, have deliberately and malafidely provided incomplete, incorrect and misleading information with a view to cause obstruction to the information. Therefore, the order of the CPIO / Deemed CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.
- (4) That Shri S.C. Das, deemed CPIO and SPS of the President, CESTAT, has not provided the information sought in Point (B) & (C) of the RTI Application inasmuch as he has not provided the information as to when the communications in question were placed before the Hon'ble President and datewise details of the action taken thereon. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also

4

liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.

- (5) That Shri Rajender Prasad, CPIO, CESTAT New Delhi, has not provided any information as held by the Registrar or by the Assistant Registrar of the Excise Branch, therefore, his order in question is liable to be set aside and be directed to provide the information.
- (6) That Shri A. Mohan Kumar, Registrar and Deemed CPIO, has not provided any information even though Shri S.C. Das, deemed CPIO and SPS of the President, CESTAT, in his response dated 19.08.2014 **(Annexure 4)** dfhas categorically stated that all the communications were duly marked to the Registrar, CESTAT. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.
- (7) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (8) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (9) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (10) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (11) This is without prejudice to the right of the appellant to add, alter or

modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

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

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

Place : New Delhi
Dated : 01-09-2014

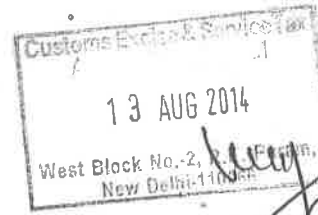
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8576/14

Dated : 13-8-2014

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 date and diary number under which the complaint of Shri J.K. Bansal dated 23.12.2013 addressed to Shri G. Raghuram, Hon'ble President, CESTAT, regarding the case of Bhushan Steels & Strips Company Ltd. was received in the CESTAT. (B) Please provide the date when it was placed before Hon'ble Shri G. Raghuram, President, CESTAT. (C) Please provide datewise details of the action taken on the said complaint and the name and designation of the officer to whom it has been marked. (D) Please provide the certified copy of the first page of the said complaint with all markings and endorsements. (E) Please provide list of the communications, references, complaints and representations received from various persons/authorities in relation to Central Excise Appeal No.1294 of 2010 of Bhushan Steels & Strips Limited, Sahibabad, from 2011 till the date of providing the information. (F) Please provide datewise details of the action taken with reference to the documents referred to in Point (E) above.

		<p>(G) Please provide list of the file number in which the reference/complaint as referred to in Point (A) & (E) above has been dealt with and provide copies of all the notesheets and correspondence pages of such file.</p> <p>(H) Please provide the details of the current status of the documents referred to in Point (A) & (E) above.</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. 27F 663153 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

mn8576

(8)

F.No. 09-138..../CESTAT/CPIO-ND/RP/2014 ,
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated- 14/8/14

ID No. 09-138/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R. K. Jain
 Under RTI Act 2005 vide No. 8576/2014 dated
13/8/14 (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. 8576/14 dated 13/8/14 CPIO ID No 09-138/2014 is
 forwarded herewith to the following officers as deemed CPIO with the
 request to provide correct and para-wise information/inspection on or
 before 27/8/14 directly to the applicant and intimate the
 undersigned within the stipulated time, failing which you are
 personally responsible for delay and penalty if any, under section 20 of
 RTI Act. You are, further requested to follow OM No.12/31/2013-IR
 dated 12-02-2013 circulated on 23-05-2013

Encl: as above


 (Rajender Prasad)
 Accounts Officer/CPIO

To

- 1 SPS/PA to Hon'ble President, CESTAT, New Delhi
- 2 AR, Excise, CESTAT, New Delhi.
- 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

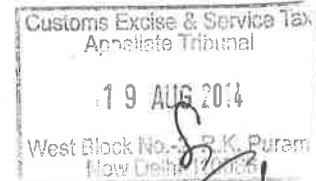
and author of

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 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-195/8576/14/R12226
17-08-2014

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



Sub: My RTI Application No. RTI/8576/14, dated 13/8/2014

Dear Sir,

This refers to the letter No. 09-138/2014 dated 14-8-2014 of Mr. Rajender Prasad, CPIO, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) read with sections 5(4) & 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

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

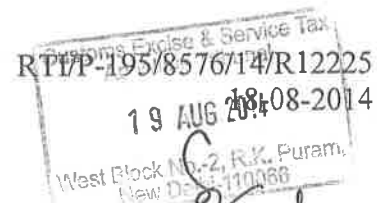
NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

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



Sub: My RTI Application No. RTI/8576/14, dated 13/8/2014

Dear Sir,

This refers to the letter No. 09-138/2014 dated 14-8-2014 of Mr. Rajender Prasad, CPIO, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) read with sections 5(4) & 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]

asn

F.No.09-138/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated---20/8/14.

ID No. 09-138/2014

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 8576/14 Dt. 13/8/14
and our ID No. 09-138/14... the information received from ~~SPS to the~~ ^{President}
containing ~~01~~ pages is enclosed herewith for your reference
please.

You are, Therefore, requested to please acknowledge the
receipt and deposit Rs. ~~44~~ (@2/- per page) to this Tribunal by
cash or DD in favour of Accounts Officer, CESTAT, New Delhi.


(Rajender Prasad)
Accounts Officer/CPIO

CESTAT, New Delhi

Dated:19.8.2014

Subject: Information sought under RTI Act, 2005

Ref: ID No.09-138/2014 dated 14.8.2014 against RTI Application No.8545/2014 dated 6.8.2014.

Information asked for by the applicant in his RTI Application No.P-195/8576/2014 dated 13.8.2014 as mentioned therein at Point No.A, it is submitted that diary number and date as recorded in our diary movement register 2013-14 is **1949 dated 26.12.2013** which has been marked to Registrar on the very same day.

2. In so far as reply to point No.E is concerned, following the diary numbers and date showing actual receipt of representations in the case of C.Ex. Appeal No.1294 of 2010 in Bhushan Steel & Strips Ltd. from 2011 onwards in the office of Hon'ble President are as under:

<u>Diary No.</u>	<u>Date of Receipt</u>
191	19.3.2012
484	25.6.2012
671	27.7.2012
1167	26.11.2012
33	21.1.2013
44	28.1.2013
129	28.2.2013
322	8.4.2013
678	31.5.2013
780	14.6.2013
851	4.7.2013
1940 & 1949	26.12.2013
1976	6.1.2014
1978	8.1.2014
1985	13.1.2014
2163	4.2.2014
2365	28.2.2014
2494	19.3.2014
2561	31.3.2014
2613	9.4.2014
2922	21.5.2014
2964	27.5.2014
2999	29.5.2014
3012	30.5.2014
3017	2.6.2014

1975/cpt
19/08/2014

3062	9.6.2014
3141	17.6.2014
3191	23.6.2014
3206	27.6.2014
3216	30.6.2014
3270	7.7.2014
3353 & 3354	14.7.2014
3386	23.7.2014
3417	25.7.2014
3443	31.7.2014
3463 & 3464	6.8.2014
3471	8.8.2014
3493	13.8.2014
3515	14.8.2014

In view of the above , all the representations received in the office of Hon'ble President were duly marked to Registrar.

[Signature]
(S.C. Das)

Sr.P.S. to Hon'ble President

CPIO, CESTAT, New Delhi.

**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.09-058(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-138/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 057/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 13.08.2014 have sought the following information:-

- (A) Please provide date and diary number under which the complaint of Shri J.K. Bansal, dt.23.12.2013 addressed to Shri G. Raghuram, Hon'ble President, CESTA, regarding the case of Bhushan Steels & Strips Company Ltd. was received in the CESTAT.
- (B) Please provide the date when it was placed before Shri G. Raghuram, Hon'ble President, CESTAT.
- (C) Please provide datewise details of the action taken on the said complaint and the name and designation of the officer to whom it has been marked.
- (D) Please provide the certified copy of the first page of the said complaint with all markings and endorsements.
- (E) Please provide list of the communications, references, complaints and representations received from various persons/authorities in relation to Central Excise Appeal No. 1294/2010 of Bhushan Steels & Strips Limited, Sahibabad from 2011 to till the date of providing the information.

Please provide datewise details of the action taken with reference to the documents referred to in Point(E) above.

98/10-14
ISSUED ON
SIGN: (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110038

R.K.

R.K.

61/ RICEPAA/2014
29/9/14 - Appeals 09-59(A)/2014

①

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

Ref. No. : RTI/P-537/(8599/14)/Appeal/15436
Dated : 27-09-2014

*SPS to Hsible
PAA*

To
*Dy No. 3222/CR-14
29/9/14*

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
29 SEP 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 :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	17-08-2014
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	17-10-2014
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 17-8-2014. (Annexure-1) 2. Copy of CPIO's letter dated 20-8-2014. (Annexure-2) 3. Copy of Appellant's letter dated 28-8-2014. (Annexure-3)

2

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 17-08-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide certified copies of all complaints / representations /communications received in relation to the case of Bhushan Steel Limited (Appeal No.E-1294/2010 and E-1295/2010) by the Hon'ble President, CESTAT or Registrar, CESTAT from 01.01.2011.

(B) Please provide certified copies of all reference /communications received from the Ministry of Finance in relation to the case of Bhushan Steel Limited (Appeal No.E-1294/2010 and E-1295/2010) by the Hon'ble President, CESTAT or Registrar, CESTAT from 01.01.2011.

(C) Please provide data and diary number under which the documents reference to in Point (A) & (B) above have been received in the CESTAT. Please also provide the copies of all said documents with endorsements and markings thereon.

(D) Please provide the file number under which the documents and communications referred to in Point (A) & (B) above have been dealt with.

(E) Please provide datewise details of the action taken thereon and copies of the response / reports sent by the CESTAT to the individual or to the Ministry of Finance.

(F) Please provide the current status of the complaints / references / communications etc. referred to in Point (A) and (B) above.

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

(3) That the appellant received letter dated 20-8-2014 (**Annexure-2**) of the CPIO to AR (Excise), CESTAT, New Delhi. The Appellant vide letter dated

28-8-2014 (**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, 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.

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 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 : 27-09-2014

OTC

ANNEXURE-1

(3)

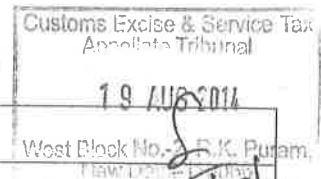
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8599/14

Dated : 17-8-2014

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 certified copies of all complaints / representations /communications received in relation to the case of Bhushan Steel Limited (Appeal No.E-1294/2010 and E-1295/2010) by the Hon'ble President, CESTAT or Registrar, CESTAT from 01.01.2011.</p> <p>(B) Please provide certified copies of all reference /communications received from the Ministry of Finance in relation to the case of Bhushan Steel Limited (Appeal No.E-1294/2010 and E-1295/2010) by the Hon'ble President, CESTAT or Registrar, CESTAT from 01.01.2011.</p> <p>(C) Please provide data and diary number under which the documents reference to in Point (A) & (B) above have been received in the CESTAT. Please also provide the copies of all said documents with endorsements and markings thereon.</p> <p>(D) Please provide the file number under which the documents and communications referred to in Point (A) & (B) above have been dealt with.</p> <p>(E) Please provide datewise details of the action taken thereon and copies of the response / reports sent by the CESTAT to the individual or to the Ministry of Finance.</p> <p>(F) Please provide the current status of the complaints / references / communications etc. referred to in Point (A) and (B) above.</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. 27F 663180 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.



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

Place : New Delhi

Encl. : as above

Hira/—8599
asn

(7)

F.No. 09-140...../CESTAT/CPIO-ND/RP/2014 ,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 20/8/14

ID No. 09-140/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8598/14 dated
17/8/14 (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. 8598/14 dated 17/8/14, CPIO ID No 09-140/2014 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 5/9/14 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

(Rajender Prasad)
Accounts Officer/CPIO

To

- 1 AR, Secy, CESTAT, New Delhi.
- 2 _____
- 3 _____

✓ Copy for information to:-

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

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

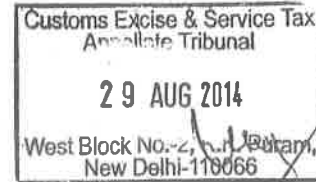
President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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



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

RTI/P-195/8599/14/R12309
28-08-2014

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

Sub: My RTI Application No. RTI/8599/14, dated 17/8/2014

Dear Sir,

This refers to the letter F.No.09-140/CESTAT/CPIO-ND/RP/2014 dated 20.08.2014 of Shri Rajender Prasad, Accounts Officer/CPIO, CESTAT, New Delhi transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, you are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

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

Date of Hearing/decision: 14.10.2014

**Appeal No.09-059(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-140/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 058/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 17.08.2014 have sought the following information:-

- (A) Please provide certified copies of all complaints/representations/communications received in relation to the case of Bhushan Steels & Strips Limited (Appeal No. E/1294/2010 and E/1295/2010) by the Hon'ble President, CESTAT or Registrar, CESTAT from 01.01.2011.
- (B) Please provide certified copies of all reference/communications received from the Ministry of Finance in relation to the case of Bhushan Steel Limited (Appeal No. E/1294/2010 and E/1295/2010) by the Hon'ble President, CESTAT or Registrar, CESTAT from 01.01.2011.
- (C) Please provide data and diary number under which the documents reference to in Point (A) & (B) above have been received in the CESTAT. Please also provide the copies of all said documents with endorsements and markings thereon.

48/10-14
ISSUED ON
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL,
NEW DELHI-110058


21 — 02

- (D) Please provide the file number under which the documents and communications referred to in Point (A) & (B) above have been dealt with.
- (E) Please provide datewise details of the action taken thereon and copies of the response/reports sent by the CESTAT to the individual or to the Ministry of Finance.
- (F) Please provide the current status of the complaints/references/communications etc. referred to in Point (A) & (B) above.

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

3. Heard both the sides.

4. The information in respect of only point 'A' & 'B' has been furnished and the appellant is satisfied with the same. The information in respect of remaining points 'D', 'E' & 'F' has not been furnished. The CPIO is directed to furnish the information in respect of point 'D', 'E' & 'F' 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 file to*

Dated 22/3/2014
 26/9/14
 SP870 FAA
 59 / RTI / 2014
 26/09/14
 Appeal No - 09-60(A)/2014
 ①

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

Ref. No. : RTI/P-195/(8605/14)/Appeal/15419

Dated : 26-09-2014

To

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

Customs Excise & Service Tax
 Appellate Tribunal
26 SEP 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 :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K. Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	25-08-2014	
3.	Details of the order appealed against	Letter F. No. 09-145/CESTAT/CPIO-ND/RP/2014 dated 8-9-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	8-10-2014	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 25-8-2014. (Annexure-1) 2. Copy of CPIO Letter dated 29-8-2014. (Annexure-2) 3. Copy of CPIO Letter dated 8-9-2014. (Annexure-3)	

CPIO
 17
 Sub. Angu
 Indu
 26/9/14

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 25-08-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Sr. PS to Hon'ble President by his note dated 19-7-2014 (copy enclosed) has provided a list of the Diary Nos. and dates on which Representations have been received in the case of Excise Appeal No. 1294 of 2010 in Bhushan Steel Ltd. In this respect, please provide the following information:-

- (a) Please provide the dates on which each of the Representations have been placed before the Hon'ble President of the CESTAT / Vice President of the CESTAT.*
- (b) Please provide date-wise details of the action marked by the Hon'ble President on each of the aforesaid Representations.*
- (c) Please provide the file No. in which each of the aforesaid Representations has been dealt with, by the Registrar, CESTAT.*
- (d) Please provide copies of the each Representation and date-wise action taken and marked by the Registrar, CESTAT.*
- (e) Please provide date and diary No. under which each of the Representations has been received in the O/o the Registrar.*

(B) Please provide the current status of the each of the Representations referred to in point (A) above.

(C) Please provide whether any communication has been received in CESTAT either addressed to the President/Registrar from the M/o Finance or any authority in relation to any complaint / Representation.

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

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

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the CPIO has erred in not providing the information as sought in point (A)(a)(c)(d)(e), (B) and (C) of the RTI application nor he has responded to the same. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That 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 : 26-09-2014

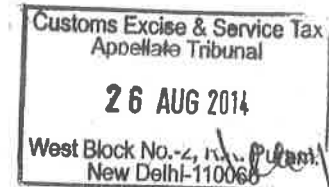
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8605/14

Dated : 25-8-2014

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) Sr. PS to Hon'ble President by his note dated 19-7-2014 (copy enclosed) has provided a list of the Diary Nos. and dates on which Representations have been received in the case of Excise Appeal No. 1294 of 2010 in Bhushan Steel Ltd. In this respect, please provide the following information:-</p> <p>(a) Please provide the dates on which each of the Representations have been placed before the Hon'ble President of the CESTAT/Vice President of the CESTAT.</p> <p>(b) Please provide date-wise details of the action marked by the Hon'ble President on each of the aforesaid Representations.</p> <p>(c) Please provide the file No. in which each of the aforesaid Representations has been dealt with, by the Registrar, CESTAT.</p> <p>(d) Please provide copies of the each Representation and date-wise action taken and marked by the Registrar, CESTAT.</p> <p>(e) Please provide date and diary No. under which each of the Representations has been received in the O/o the Registrar.</p> <p>(B) Please provide the current status of the each of the Representations referred to in point (A) above.</p>

		(C) Please provide whether any communication has been received in CESTAT either addressed to the President/Registrar from the M/o Finance or any authority in relation to any complaint/Representation. 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. 27F 663191 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

mn8605

7

CESTAT, New Delhi

Dated:19.8.2014

Subject: Information sought under RTI Act, 2005

Ref: ID No.09-138/2014 dated 14.8.2014 against RTI Application No.8545/2014 dated 6.8.2014.

Information asked for by the applicant in his RTI Application No.P-195/8576/2014 dated 13.8.2014 as mentioned therein at Point No.A, it is submitted that diary number and date as recorded in our diary movement register 2013-14 is **1949 dated 26.12.2013** which has been marked to Registrar on the very same day.

2. In so far as reply to point No.E is concerned, following the diary numbers and date showing actual receipt of representations in the case of C.Ex. Appeal No.1294 of 2010 in Bhushan Steel & Strips Ltd. from 2011 onwards in the office of Hon'ble President are as under:

<u>Diary No.</u>	<u>Date of Receipt</u>
191	19.3.2012
484	25.6.2012
671	27.7.2012
1167	26.11.2012
33	21.1.2013
44	28.1.2013
129	28.2.2013
322	8.4.2013
678	31.5.2013
780	14.6.2013
851	4.7.2013
1940 & 1949	26.12.2013
1976	6.1.2014
1978	8.1.2014
1985	13.1.2014
2163	4.2.2014
2365	28.2.2014
2494	19.3.2014
2561	31.3.2014
2613	9.4.2014
2922	21.5.2014
2964	27.5.2014
2999	29.5.2014
3012	30.5.2014
3017	2.6.2014

1975/CPI
9/08/2014

3062	9.6.2014
3141	17.6.2014
3191	23.6.2014
3206	27.6.2014
3216	30.6.2014
3270	7.7.2014
3353 & 3354	14.7.2014
3386	23.7.2014
3417	25.7.2014
3443	31.7.2014
3463 & 3464	6.8.2014
3471	8.8.2014
3493	13.8.2014
3515	14.8.2014

In view of the above , all the representations received in the office of Hon'ble President were duly marked to Registrar.


(S.C. Das)

Sr.P.S. to Hon'ble President

CPIO, CESTAT, New Delhi.

(9)

F.No. 09-145 /CESTAT/CPIO-ND/RP/2014 ,
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 28/3/14ID No. 09-145/2014


Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R.K. Jain
 Under RTI Act 2005 vide No. 8605/14 dated
25/8/14 (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. 8605/14 dated 25/8/14 CPIO ID No 09-145/2014 is
 forwarded herewith to the following officers as deemed CPIO with the
 request to provide correct and para-wise information/inspection on or
 before 10/9/14 directly to the applicant and intimate the
 undersigned within the stipulated time, failing which you are
 personally responsible for delay and penalty if any, under section 20 of
 RTI Act. You are, further requested to follow OM No.12/31/2013-IR
 dated 12-02-2013 circulated on 23-05-2013

Encl: as above


 (Rajender Prasad)
 Accounts Officer/CPIO

To

1. SPS to Hon'ble President, CESTAT, New Del.
2. Registrar, CESTAT, New Del.
3. Asst. Registrar, Excise, CESTAT New Del.

Copy for information to:-

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

(10)

F.No. 09/145/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated---8/9/14---

ID No. 09-145/2014

To,

✓ Shri R.K. Jain,
1512-B, Bhisim Pitamah marg,
Wazir Nagar, New Delhi-110003.

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 8605/2014 Dt. 25/8/14
and our ID No. 09-145/14 the information received from IAS to Hon'ble
containing 02 pages is enclosed herewith for your reference President
please.

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


(Rajender Prasad)

Accounts Officer/CPIO

CESTAT, New Delhi

Dated:8.9.2014

Subject: Information sought under RTI Act, 2005

Ref: ID No.09-145/2014 dated 2.9.2014 against RTI Application No.8605/2014 dated 25.8.2014.

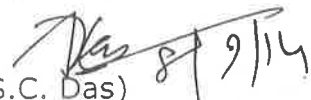
Information asked for by the applicant in his RTI Application No.P-195/8605/2014 dated 25.8.2014 as mentioned therein under sub-paras from (a) to (e) to point No.(A), may be available from the office of Registrar as the representations in the case of Bhushan Steel & Strips received in the office of Hon'ble President showing below mentioned diary numbers against each were duly marked to the Registrar on the very same day/or in the next day at the most.

<u>Diary No.</u>	<u>Date of Receipt</u>
191	19.3.2012
484	25.6.2012
671	27.7.2012
1167	26.11.2012
33	21.1.2013
44	28.1.2013
129	28.2.2013
322	8.4.2013
678	31.5.2013
780	14.6.2013
851	4.7.2013
1940 & 1949	26.12.2013
1976	6.1.2014
1978	8.1.2014
1985	13.1.2014
2163	4.2.2014
2365	28.2.2014
2494	19.3.2014
2561	31.3.2014
2613	9.4.2014
2922	21.5.2014
2964	27.5.2014
2999	29.5.2014
3012	30.5.2014
3017	2.6.2014
3062	9.6.2014
3141	17.6.2014
3191	23.6.2014
3206	27.6.2014

(12)

3216	30.6.2014
3270	7.7.2014
3353 & 3354	14.7.2014
3386	23.7.2014
3417	25.7.2014
3443	31.7.2014
3463 & 3464	6.8.2014
3471	8.8.2014
3493	13.8.2014
3513	14.8.2014

In view of the above , all the representations received in the office of Hon'ble President were duly marked to Registrar.


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

CPIO, CESTAT, New Delhi.

**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. 09-060(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-145/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 059/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 25.08.2014 have sought the following information:-

(A) Sr. PS to Hon'ble President by his note dt. 19.07.2014 (Copy enclosed) has provided a list of the Diary Nos. and dates on which Representations have been received in the case of Excise Appeal No. E/1295/2010 in Bhushan Steel Ltd. in this respect, please provide the following information:-

(a) Please provide the dates on which each of the Representation have been placed before the Hon'ble President of the CESTAT/Vice President of the CESTAT.

(b) Please provide date wise details of the action marked by the Hon'ble President on each of the aforesaid Representations.

(c) Please provide the file No. in which each of the aforesaid Representations has been dealt with, by the Registrar, CESRTAT.

98 10 14
ISSUED ON
SIGN. (DEPUTY COMMISSIONER)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110058

2

ow

- (d) Please provide copies of the each Representation and date-wise action taken and marked by the Registrar, CESTAT.
- (e) Please provide date and diary No. under which each of the Representations has been received in the O/o the Registrar.
- (B) Please provide the current status of the each of the Representations referred to in point (A) above.
- (C) Please provide whether any communication has been received in CESTAT either addressed to the President/Registrar from the M/o Finance or any authority in relation to any complaint/Representation.

2. Since the information furnished by the CPIO was not found satisfactory, this appeal has been filed.

3. Heard both the sides.

4. The required point wise information 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 file 106*

①

D/NO-3214/CR-14
26/9/14

60/RK (CFAR)/2014
26/09/14

Appeal No-09-61(A)/2014

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

Ref. No. : RTI/P-195/(8615/14)/Appeal/15418

Dated : 23-09-2014

To

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



A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K. Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	01-09-2014	
3.	Details of the order appealed against	Letter F. No. 09-148/CESTAT/CPIO-ND/RP/2014 dated 19-9-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	19-10-2014	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 1-9-2014. (Annexure-1) 2. Copy of CPIO Letter dated 19-9-2014. (Annexure-2)	

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 01-09-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide list of the CESTAT officials / employees including at Zonal Benches, who have not so far filed Annual Returns of assets as provided in the Lokpal and Lokayuktas Act, 2013.*
- (B) *Please provide name of the CESTAT officials (including Zonal Benches) who have filed the Annual Returns of assets as provided in the Lokpal and Lokayuktas Act, 2013 along with the date of filing.*
- (C) *Please provide copy of the Annual Returns of assets as provided in the Lokpal and Lokayuktas Act, 2013 filed by the CESTAT officials / employees (including at Zonal Benches) as referred to in Point (B) above.*

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

- (3) That Shri Rajender Prasad, Accounts Officer/ CPIO has deliberately and malafidely not provided the information by wrongly claiming exemption u/s 8(1)(j) of the RTI Act. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OFS OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore,

there was no valid cause or reason or ground for not providing the information.

- (3) That Shri Rajender Prasad, Accounts Officer/ CPIO has deliberately and malafidely not provided the information by wrongly claiming exemption u/s 8(1)(j) of the RTI Act. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That the information sought in point (A) of the RTI Application is merely a list of the Officials who have not filed the annual return of assets as prescribed under Lokpal and Lokayuktas Act, 2013. Such information by no means can be treated as personal records u/s 8(1)(j). Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (5) That the information sought in point (B) of the RTI application is merely a list of the Officials who have filed the annual return of assets as prescribed under Lokpal and Lokayuktas Act, 2013 with date of their filing. Such information by no means can be treated as personal records u/s 8(1)(j). Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (6)
- (7) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (8) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (9) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall

not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.

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

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

PRAYER

Under the circumstances, the appellant prays as under:

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

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

Place : New Delhi
Dated : 23-09-2014

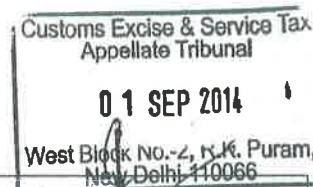
Application under Section 6 of the Right to Information Act, 2005

Ref. No. : RTI/P-195/8615/14


Dated : 1-9-2014

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 the CESTAT officials / employees including at Zonal Benches, who have not so far filed Annual Returns of assets as provided in the Lokpal and Lokayuktas Act, 2013.</p> <p>(B) Please provide name of the CESTAT officials (including Zonal Benches) who have filed the Annual Returns of assets as provided in the Lokpal and Lokayuktas Act, 2013 along with the date of filing.</p> <p>(C) Please provide copy of the Annual Returns of assets as provided in the Lokpal and Lokayuktas Act, 2013 filed by the CESTAT officials / employees (including at Zonal Benches) as referred to in Point (B) above.</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	
6.	A Postal Order No. 27F 664374 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

asn/----8615

F.No. 09-148/CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 19-09-2014
ID No. 09-148/2014

To,

Shri R.K. Jain,
1512-B, Bhisham Pitamah marg,
Wazir Nagar, New Delhi-110003.

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 8615/14 Dt. 01-09-2014
and our ID No. 09-148/14 the information received from Asstt. Registrar
(Admin.)
containing 01 pages is enclosed herewith for your reference
please.

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

(Rajender Prasad)
Accounts Officer/CPIO

**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. 09-061(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-148/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 060/2014


Per Rakesh Kumar:-

1. The appellant vide RTI Application dt. 01.09.2014 have sought the following information:-

- (A) Please provide list of the CESTAT officials/ employees including at Zonal Benches, who have not so far filed Annual Returns of assets as provided in the Lokpal and Lokauktas Act, 2013.
- (B) Please provide name of the CESTAT officials (including Zonal Benches) who have filed the Annual Returns of assets as provided in the Lokpal and Lokauktas Act, 2013 along with the date of filing.
- (C) Please provide copy of the Annual Returns of assets as provided in the Lokpal and Lokauktas Act, 2013 filed by the CESTAT officials/ employees (including at Zonal Benches) as referred to in Point (B) above.

28-10-14
ISSUED ON
SIGN. (DEPUTY CHIEF SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110088

2. The information sought is the list of the CESTAT officials/ employees including those at Zonal Benches, who have not so far filed Annual Returns of assets as provided in the Lokpal and Lokauktas Act, 2013. The necessary information in respect of point 'A' and 'B' may be provided within two weeks time. If nobody has so far filed the return, this may be so stated as the return is to be filed by 31st December, 2014. As regards point 'C' regarding furnishing of the copies of the Annual Return of assets to the appellant, this point was not pressed by the appellant with right to agitate and seek information in respect of the same subsequently.


(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 file / OC*

①

S/S to FPA ✓
58/ RR CFAA/214
22/09/14
Appeal No. 09-624/14

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

Ref. No. : RTI/P-537/(8588/14)/Appeal/15415

Dated : 22-09-2014

DNO-3155/CR-14
To 22/9/14

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



A. Contact Details :

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

CPIO Action
22/9

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name (1) Shri Mukesh Gupta – Assistant Registrar (Admin.), Deemed CPIO (2) Shri Rajender Prasad CPIO & Accounts Officer (b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K. Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	16-08-2014
3.	Details of the order appealed against	Letter F. No. 09-139/CESTAT/CPIO-ND/RP/2014 dated 19-9-2014
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	19-10-2014
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 16-8-2014. (Annexure-1) 2. Copy of CPIO Letter dated 25-8-2014. (Annexure-2) 3. Copy of Appellant's letter dated 28-8-2014. (Annexure-3)

2

	4. Copy of CPIO Letter dated 19-9-2014. (Annexure-4)
--	---

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 16-08-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide list of the CESTAT officials/employees including Members of the Tribunal, who have not filed Annual Property Returns for the years 2012, 2013 & 2014 and the details of the action taken for ensuring compliance to the Government Rules in this respect.*
 - (B) *Please provide information as to the dates when the Hon'ble President has filed his Annual Property Return for the year 2013 & 2014.*
 - (C) *Please provide information as to pro-active disclosure of the information under RTI Act, 2005, as referred to in Point (A) & (B) above. If no pro-active disclosure has been made, please provide copies of the Annual Returns filed by the Hon'ble President, Hon'ble Members and the Registrars, Dy. Registrars and Assistant Registrars.*
 - (D) *Please provide list of files from which the information as sought above is provided.*
 - (E) *Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri Mukesh Gupta – Assistant Registrar (Admin.), Deemed CPIO and Shri Rajender Prasad, Accounts Officer/CPIO have deliberately and malafidely denied the information on the false pretext that the same is

exempted under Section 8(1) (j) of the RTI Act. 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 Mukesh Gupta – Assistant Registrar (Admin.), Deemed CPIO and Shri Rajender Prasad, Accounts Officer/CPIO have deliberately and malafidely denied the information on the false pretext that the same is exempted under Section 8(1) (j) of the RTI Act. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That the information sought in the RTI Application is neither personal nor exempted under the RTI Act. The list of officials who have not filed annual property return contrary to the government directions cannot be treated as personal information. Similarly, the dates on which the annual property returns have been filed by the President, CESTAT, cannot be termed as personal information nor the same is exempted under Section 8 (1) (j) of the RTI Act. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (5) That Shri Mukesh Gupta – Assistant Registrar (Admin.), Deemed CPIO and Shri Rajender Prasad, CPIO ,CESTAT New Delhi, have deliberately and malafidely not provided the information as sought in Point (D) & (E) of the RTI Application nor they have claimed any exemption in this regard.
- (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 : 22-09-2014

Ref. No. :RTI/P-195/8588/14

Dated : 16-8-2014

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 the CESTAT officials/employees including Members of the Tribunal, who have not filed Annual Property Returns for the years 2012, 2013 & 2014 and the details of the action taken for ensuring compliance to the Government Rules in this respect.</p> <p>(B) Please provide information as to the dates when the Hon'ble President has filed his Annual Property Return for the year 2013 & 2014.</p> <p>(C) Please provide information as to pro-active disclosure of the information under RTI Act, 2005, as referred to in Point (A) & (B) above. If no pro-active disclosure has been made, please provide copies of the Annual Returns filed by the Hon'ble President, Hon'ble Members and the Registrars, Dy. Registrars and Assistant Registrars.</p> <p>(D) Please provide list of files from which the information as sought above is provided.</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.	A Postal Order No. 27F 663167 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

mn8588


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

F.No. 09-139...../CESTAT/CPIO-ND/RP/2014,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated- 25/8/14

ID No. 09-139/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8588/14 dated
16/8/14 (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. 8588/14 dated 16/8/14 CPIO ID No 09-139/2014 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 5/9/14 directly to the applicant and intimate the undersigned within the stipulated time, failing which you are personally responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated 12-02-2013 circulated on 23-05-2013

Encl: as above

(Rajender Prasad)
Accounts Officer/CPIO

To

- 1 AR, Admin, 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

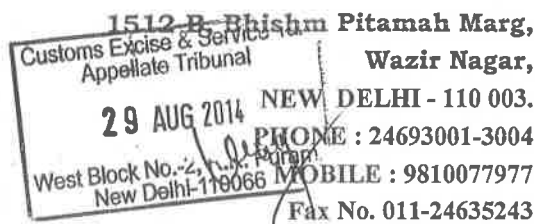
EXCISE LAW TIMES & SERVICE TAX REVIEW

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



ANNEXURE 3



RTI/P-195/8588/14/R12306
28-08-2014

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

Sub: My RTI Application No. RTI/8588/14, dated 16/8/2014

Dear Sir,

This refers to letter F.No.09-139/CESTAT/CPIO-ND/RP/2014 dated 25.08.2014 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]

F.No.09-139/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated-19-09-2014

ID. No. 09-139/2014

To,

Shri R.K. Jain,
1512-B, Bhisham Pitamah marg,
Wazir Nagar, New Delhi-110003.

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 8588/14 Dt. 16-08-2014
and our ID No. 09-139/14 the information received from ASST Registrar
containing 01 pages is enclosed herewith for your reference (Admission)
please.

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

(Rajender Prasad)
Accounts Officer/CPIO

10
F.No. 33(248)/RTI/Misc/CESTAT/ND/Adman-2014

Customs Excise & Service Tax Appellate Tribunal
West Bolck-2, R.K. Puram
New Delhi-66


Dated : 16/09/2014

I.D. No. 09-139/2014

Sub : Information sought under RTI Act 2005-reg.

Sir,

Kindly refer to CPIO letter No. 09-139/CESTAT/CPIO-ND/RP/2014 dated 25/08/2014 and RTI application NoRTI/P-195/8588/14 dated 16.08.2014, the requisite information asked by Shri. R.K. Jain is seems to be personal records and the same are exempted under Section 8(1) (j) of RTI Act 2005.


17.8.14
(Mukesh Gupta)
Assistant Registrar (Admn)

To,

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

Sub. Ambarish
for [signature]

**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.09-062(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-139/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 06/10/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.16.08.2014 has sought the following information:-

- (A) Please provide list of the CESTAT officials/ employees including Members of the Tribunal, who have not so far filed Annual Property Returns for the year 2012, 2013 & 2014 and the details of the action taken for ensuring compliance to the Government Rules in this respect.
- (B) Please provide information as to the dates when the Hon'ble President has filed his Annual Property Return for the year 2013 & 2014.
- (C) Please provide information as to pro-active disclosure of the information under RTI Act, 2005, as referred to in Point (A) & (B) above. If no pro-active disclosure has been made, please provide copies of the Annual Returns filed by the Hon'ble President, Hon'ble Members and the Registrars, Deputy Registrars and Assistant Registrars.

28-10-14
ISSUED ON
SIGN. (DEPUTY CHIEF SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110088

- (D) Please provide list of files from which the information as sought above is provided
- (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. The information sought is the list of the CESTAT officials/ employees including Tribunal members, who have not so far filed Annual Property Returns(Immovable Property Returns) for the year 2012, 2013 & 2014 and also pro-active disclosure of this information on the CESTAT's website under RTI Act, 2005. The CPIO under his reply dt. 19.09.2014 has enclosed a letter dt. 16.09.14 from the AR (Admin) mentioning that requisite information is covered by exemption under section 8(j)(j) of the RTI Act, 2005. Hence this appeal has been filed.

3. Heard both the sides.

4. The information sought is about the details of the officials/ employees including Members of the Tribunal, who have so far not filed Annual Immovable Property Returns (IPR) for the year 2012, 2013 & 2014 and also the details of the action taken for ensuring compliance in this regard. The applicant also seeks information about the action taken for pro-active disclosure under RTI Act, on the CESTAT's website of the above mentioned information. The applicant does not want the copies of the returns or the details of the IPR filed by the individual officials/employees and he wants only the names of

the official/employees who have not filed the Immovable Property Returns for the years 2012,2013 and 2014. This information is not covered under section 8(1)(j) of the RTI Act, 2005. The necessary information may be please be provided to the appellant 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. *Encl file / 02*