

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

Ref. No. : RTI/P-537/(7582/13)/Appeal/6127

Dated : 18-12-2013

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)	11-12-2013
3.	Details of the order appealed against	CPIO's letter F.No.08-225/CESTAT/CPIO-ND/RP/2013 dated 16-12-2013
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	16-1-2014
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 11-12-2013. (Annexure-1) (2) Copy of CPIO's letter dated 16-12-2013. (Annexure-2)

2

BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 11-12-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
 - (A) *Please provide name and designation of the officials of CESTAT (at New Delhi and all other regional centres) who are using Beckon light (red light) and the vehicles used by them. Also provide the rules & regulations or Notifications under which such use is permissible to them.*
 - (B) *Please provide Vehicle Numbers on which the Beckon light is being used by the CESTAT at New Delhi and other Regional Centres*
 - (C) *Please provide copy of any authority letter or communication received from any public authority or from the Traffic Police of the concerned station.*
 - (D) *Please provide copies of all note sheets and correspondence pages of the RTI file in which this application is dealt with, till the date of providing the information*
- (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) The CPIO vide its impugned order dated 16.12.2013 has provided incomplete and incorrect information The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the learned 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 and therefore, there was no valid cause or reason or ground for not providing the information.

- (3) That the CPIO has not provided any information in relation to the use of beacon light on CESTAT vehicles at regional centers of CESTAT though specifically sought by the Appellant in Point (A) of the RTI Application. The CPIO has also provided incorrect information inasmuch as the copy of the notification dated 18.02.2003 does not cover the President of the 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.
- (4) That the CPIO has not provided any information in relation to the vehicles on which beacon light is used at regional centers of CESTAT though specifically sought by the Appellant in Point (B) of the RTI Application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (5) That the CPIO has only given the copy of the communication received from the Transport Department of Delhi Government but not the copy of the letter sent by the CESTAT and copy of the note sheets. 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 copy of the Authority Letter as sought by the Appellant in Point (C) of the RTI Application. He has merely enclosed a Letter dated 09.06.2011 of the transport department which does not authorize the use of the beacon light by CESTAT President. CPIO has not provided copy of the letter sent by CESTAT to the Transport department nor subsequent correspondences. 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.
- (7) That the Ld. 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

4

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

- (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 and he 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 : 18-12-2013

o/c Annexure - 1

(5)

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

Ref. No. :RTI/P-195/7582/13

Dated : 11-12-2013

To

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

11 DEC 2013

11/12/13

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 name and designation of the officials of CESTAT (at New Delhi and all other regional centres) who are using Beckon light (red light) and the vehicles used by them. Also provide the rules & regulations or Notifications under which such use is permissible to them. (B) Please provide Vehicle Numbers on which the Beckon light is being used by the CESTAT at New Delhi and other Regional Centres (C) Please provide copy of any authority letter or communication received from any public authority or from the Traffic Police of the concerned station. (D) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application is dealt with, till the date of providing the information 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. 13F 873928 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable. |
|----|---|

6



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

Place : New Delhi

Encl. : as above

Hira/—7582
rta

F.No. 08-225/CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 16/12/13

ID No. 08-225/2013

✓ To

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

Subject: information under Right to Information Act.2005.

Sir,

Please refer to your RTI application No. 7582/13 dated 11/12/13
and Tribunal's ID No. 08-225/13 the information received from AR (Admin.)
containing 2ix pages is endorsed herewith for your reference please.

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


(Rajender Prasad)
Accounts Officer/CPIO

(8)

F.No.151 (21)/RTI/CESTAT/RR
CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL, WEST
BLOCK NO.2, R.K PURAM NEW DELHI-66

Dated:16 December 2013

Sub: Information Sought under RTI Act 2005 – Reg

Sir,

Kindly refer to Shri R.K. Jain RTI application No.RTI/P-195/7582/13 dated 11-12-2013 and to the CPIO letter No.08-225/CESTAT/CPIO-ND/RP/2013 dated 13-12-2013 wherein sought various information relating to point A to D.

Item (A) - Provide name and designation of the officials of CESTAT at New Delhi who are using Beckon light (Red Light) and vehicle used by them. Provide the rules & regulations or Notification under which such use is permissible to them.

Information - The Beckon light (red light) provided only Hon'ble President CESTAT, New Delhi vide Notification No.F.Sectt./11/75/Tpt/97/975 dated 18-02-2013 (Photo copy enclosed).

Item (B) - Provide vehicle Number on which the Beckon light is being used by the CESTAT at New Delhi.

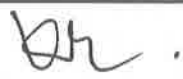
Information - The Beckon light used by the Staff Car vehicle No. DL-10C-7979.

Item (C) - Provide copy of any authority letter or communication received from any public authority or from Traffic Police of the concerned station.

Information - A letter received from Govt. NCT of Delhi Transport Department dated 09-06-2011, photo copy enclosed.

Item (D) - Provide copies of all note sheets and correspondence pages of the RTI file in which this application is dealt with, till the date of providing the information.

Information - File noting sheet not available.


(Kripa Shankar)
Asstt. Registrar
General Admn

Encls: As above

To,

✓ CPIO/Account Officer
CESTAT, New Delhi

1559/CPTO
16/12/2013

9

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
TRANSPORT DEPARTMENT, SECTT BRANCH
5/9, UNDER HILL ROAD, DELHI - 54**

No.F. 19(22)/Tpt/Sectt./2011/. 68

Dated: 09.06.2011

To

Registrar,
Customs, Excise & Service Tax Appellate Tribunal.
West Block No. 2,
R.K. Puram
New Delhi

Sub: - Use of beacon light to Hon'ble President CESTAT
Ref. no. 1(2) CESTAT/PF/RMSK/Press/Admn/2009 dated 30.05.11

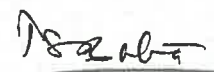
Sir,

Reference your cited letter; it is to inform that as per notification No.F. Sectt./11/75/Tpt/97/975 dated 18.02.2003 of this department, judges of the High Court of Delhi are permitted to use red light with flasher on the top front of the vehicle within the Jurisdiction of the NCT of Delhi and any vehicle carrying the dignitary formally designated as equivalent in rank, status and privileges to dignitaries referred to in the notification are entitled to use the red light as per the corresponding privileges.

Copy of the said notification is enclosed herewith.

Encl: As above.

Yours faithfully,



(P. S. Batra)

Joint Commissioner (Sectt.)

1146/R/11
136/11

दिल्ली



राजापत्र

Delhi Gazette

असाधारण
EXTRAORDINARYप्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 26]

दिल्ली, मंगलवार, फरवरी 18, 2003/माघ 29, 1924

[रा.रा.क्षे.वि. सं. 38

No. 26]

DELHI, TUESDAY, FEBRUARY 18, 2003/MAGHA 29, 1924

[N.C.T.D. No.38]

भाग IV

PART IV

राष्ट्रीय राजधानी राज्य क्षेत्र, दिल्ली सरकार
GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI

विधि, न्याय एवं विधायी कार्य विभाग

अधिसूचना

दिल्ली, 18 फरवरी, 2003

सं. फा. 6/36/2002-न्याय/217.—दिल्ली के उपराज्यपाल, दिल्ली उच्च न्यायालय के परामर्श से श्री राजीव नंदा का त्यागपत्र, दिल्ली उच्चतर न्यायिक सेवा से, जिसमें वह अधिसूचना संख्या 6/36/2002-न्याय/2182 दिनांक 25-11-2002 से नियुक्त हुए थे, तत्काल प्रभाव से मंजूर करते हैं।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के
उपराज्यपाल के आदेश से तथा उनके नाम पर,
रीना सिंह नाग, संयुक्त सचिव

DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS
NOTIFICATION

Delhi, the 18th February, 2003

No. F. 6/36/2002-JudL/217.—The Lt. Governor of the National Capital Territory of Delhi, on the recommendations of the Delhi High Court, is pleased to accept the resignation of Shri Rajiv Nanda, who was appointed as a member of Delhi Higher Judicial Service vide this Government's notification No. F. 6/36/2002-JudL/2182 dated the 25th November, 2002, with immediate effect.

By Order and in the Name of the
Lt. Governor of the National Capital
Territory of Delhi,
REENA SINGH NAG, Jt. Secy.

459 DG/2003

Attest
[Signature]

(S. Chandran)
Registrar

Customs, Excise & Service Tax,
Appellate Tribunal,
West Block No. 2, R.K. Puram,
New Delhi-110066

(1)

Attest [Signature]

सहायक नियंत्रक (प्रशासन)
भारत सरकार, प्रकाशन विभाग
सिविल लाइन्स, दिल्ली-54

	East and Southern side parallel to the road and the two ramps leading to Tis Hazari Court from Ist Floor of Tis Hazari Metro Railway Station and upto the outer signal on track, West of the Tis Hazari Metro Railway Station in the West.
--	--

The local police shall have jurisdiction over all the roads, streams, Nallahs, flowing water, river and subway passing under the Metro Track and all open space falling under the track and between the spans bearing the Metro track where ever it exists in the territorial limits of their respective Police Stations.

By Order and in the name of the Lieutenant Governor
of the National Capital Territory of Delhi,
RAJIV KALE, Addl. Secy.

परिवहन विभाग

अधिसूचना

दिल्ली, 18 फरवरी, 2003

संख्या एफ.सी.टी./11/75/परिवहन/97/975.—सड़क परिवहन एवं राजमार्ग मंत्रालय के एस.ओ. 52 (ड) के खण्ड (ड) के अनुसरण में, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार, इसके द्वारा विनिर्दिष्ट करती है कि दिल्ली के निम्नलिखित पदाधिकारियों को लाने ले जाने वाले सरकारी वाहन अनुमत हैं :—

(क) दिल्ली, राष्ट्रीय राजधानी क्षेत्र, के अन्दर वाहन के आगे सबसे ऊपर प्रकाश की चमक वाले लाल प्रकाश का प्रयोग

1. उपराज्यपाल महोदय
2. मुख्यमंत्री
3. दिल्ली राष्ट्रीय राजधानी क्षेत्र, के उच्च न्यायालय के मुख्य न्यायाधीश
4. दिल्ली राष्ट्रीय राजधानी क्षेत्र, के उच्च न्यायालय के न्यायाधीश
5. अध्यक्ष, दिल्ली विधानसभा,
6. दिल्ली सरकार, राष्ट्रीय राजधानी क्षेत्र, के मंत्री।
7. विपक्ष के नेता दिल्ली विधानसभा

(ख) वाहन के आगे सबसे ऊपर प्रकाश की चमक रहित लाल प्रकाश का प्रयोग अनुमत किया जा सकेगा जब वह दिल्ली, राजधानी क्षेत्र, की सीमाओं के अन्दर द्यूती पर हो।

1. राज्य चुनाव आयुक्त

Attest
N. Chandran)
Registrar
Customs, Excise & Service Tax,
Appellate Tribunal,
West Block No. 2, R.K. Puram,
New Delhi-110066

Attested
हायक नियंत्रक (प्रशासन)
भारत सरकार, प्रकाशन विभाग
क्षेत्रीय लाइन्स, दिल्ली-54

2. दिल्ली, राष्ट्रीय राजधानी क्षेत्र, की विधानसभा के उपाध्यक्ष
3. मुख्य सचिव, दिल्ली, राष्ट्रीय राजधानी सरकार,
4. दिल्ली क्षेत्र के जनरल अफसर कमांडिंग

उक्त (क) और (ख) में संदर्भित उच्चपदाधिकारियों के समकक्ष कोटि (रैंक) पद और विशेषाधिकार रखने वाले औपचारिक रूप से पदनामित उच्च पदाधिकारी को लाने-ले जाने वाले किसी भी वाहन को संबद्ध विशेषाधिकारी के अनुसार लाल प्रकाश के प्रयोग करने के पात्र होंगे। दिल्ली सरकार, द्वारा अनेक व्यक्तिगत दर्जों के अनुसार सौंपे गए रैंक के उच्चपदाधिकारियों को ले जाने वाले वाहन उक्त मद (क) और (ख) में संदर्भित उन उच्च पदाधिकारियों को सौंपे गए सम्बद्ध विशेषाधिकारों के अनुसार लाल प्रकाश के प्रयोग के हकदार होंगे।

(ख) यदि आगे सबसे ऊपर लाल प्रकाश युक्त वाहन में उच्च पदाधिकारी को नहीं ले जाया जा रहा है, तो ऐसे लाल प्रकाश का प्रयोग नहीं किया जाएगा और काले कवर से ढका जाएगा।

सिन्धुश्री खुल्लर, प्रधान सचिव

✓TRANSPORT DEPARTMENT

NOTIFICATION

Delhi, the 18th February, 2003

No. F. Sectt./11/75/Tpt/97/975.—In pursuance of SO 52(E) clause (e) of the Ministry of Road Transport and Highways Notification dated 11-01-2002, the Government of NCT of Delhi hereby specifies that the official vehicles carrying the following high dignitaries of Delhi are permitted to:—

(a) use red light with flasher on the top front of the vehicle within the jurisdiction of the NCT of Delhi

1. Lieutenant Governor
2. Chief Minister
3. Chief Justice of High Court of NCT of Delhi
- 4. Judges of High Court of NCT of Delhi
5. Speaker, Legislative Assembly, NCT of Delhi
6. Cabinet Ministers of the NCT of Delhi
7. Leader of Opposition, Legislative Assembly, NCT of Delhi

(b) Red light without flasher on the top front of the vehicle may be permitted for use while on duty within the territorial limits of the NCT of Delhi to the following:-

1. State Election Commissioner
2. Deputy Speaker of Legislative Assembly, NCT of Delhi

Attoul
(S. Chandra)
Registrar

Customs, Excise & Service Tax,
Appellate Tribunal,
West Block No. 2, R.K. Puram,
New Delhi-110056

राहायक नियंत्रक (प्रशासन)
भारत सरकार, प्रकाशन विभाग
सेक्टर लाइन्स, दिल्ली-54

IV

3. Chief Secretary, NCT of Delhi
4. General Officer Commanding (GOC) of Delhi Area

(c) Any vehicle carrying the dignitary formally designated as equivalent in rank, status and privileges to those dignitaries referred to in items (a) and (b) above shall be entitled to use the red light as per the corresponding privileges. The vehicle carrying the dignitaries assigned rank in their personal capacities by the Government of NCT of Delhi shall be entitled to use red light as per the corresponding privileges assigned to those dignitaries referred to items (a) and (b) above.

(d) In case the vehicle fitted with red light on top front is not carrying the dignitaries, then such red light shall not be used and be covered by black cover

SHINDHUSHRI KHULLAR, Principal Secy.

(S. Chandran)
Registrar

Customs, Excise & Service Tax,
Appellate Tribunal,
West Block No. 2, R.K. Puram,
New Delhi-110066.

सहायक नियंत्रक (प्रशासन)
अ त्त सरकार, प्रकाशन विभाग
दिल्ली-54

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

Date of Hearing/decision: 27.02.2014

**Appeal No.08-119(A)/CESTAT/FAA/AW/2013
CPIO, I.D.No. 08-225/2013**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER NO. 126/2014

Per Rakesh Kumar:-

The applicant vide his application No. RTI/P/195/7582/2013 dt. 11.12.13 has sought the following information:-

"Details of information required:

- (a) please provide name and designation of the officials of CESTAT (at New Delhi and all other regional centers) who are using Beckon light (red light) and the vehicles used by them. Also provide the rules & regulations or Notification under which such use is permissible to them.
- (b) Please provide Vehicle Numbers on which the Beckon light is being used by the CESTAT at New Delhi and other Regional Centres.
- (c) Please provide copy of any authority letter or communication received from any public authority or from the Traffic Police of the concerned station.

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

Date of Hearing/decision: 27.02.2014

**Appeal No.08-119(A)/CESTAT/FAA/AW/2013
CPIO, I.D.No. 08-225/2013**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER NO. 126/2014

Per Rakesh Kumar:-

The applicant vide his application No. RTI/P/195/7582/2013 dt. 11.12.13 has sought the following information:-

"Details of information required:

- (a) please provide name and designation of the officials of CESTAT (at New Delhi and all other regional centers) who are using Beckon light (red light) and the vehicles used by them. Also provide the rules & regulations or Notification under which such use is permissible to them.
- (b) Please provide Vehicle Numbers on which the Beckon light is being used by the CESTAT at New Delhi and other Regional Centres.
- (c) Please provide copy of any authority letter or communication received from any public authority or from the Traffic Police of the concerned station.

Dyno-523/CR-13
16/12/13 *SPS to FAA* *CPIO ID No. 08-206/13*

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

CPIO ID No. 08

Ref. No. : RTI/P-537/(7411/13)/Appeal/6120
Dated : 14-12-2013

4/12/13 *FAA/13* *To*
17/12/13

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

APPEAL NO. 118(A)/2013

16 DEC 2013
16/12/13

A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	29-10-2013	
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	29.12.2013	
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	(A) Copy of RTI Application dated 29.10.2013 (Annexure-1)	

BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 29-10-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
 - (A) *Please provide the date and diary no. under which the letter No. A.50050/18/2011-Ad.IC (CESTAT) (Part-1) dated 1.10.2012 of Under Secretary of the Ad-I Section was received in the CESTAT.*
 - (B) *Please provide date-wise details of the action taken on the said communication and present status of the matter.*
 - (C) *Please provide the present status of the One Member Inquiry Committee appointed by the President, CESTAT in its order dated 12-8-2011.*
 - (D) *Please provide copies of all the notes sheets of file No. 01(03)/Reg./Misc./CESTAT/2010*
 - (E) *Please provide copies of all note sheets and correspondence pages of the RTI file in which this application is dealt with*
 - (F) *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.*
- (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 has not received the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005,

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 : 14-12-2013

Annexure -> 1 (3)

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

Ref. No. : RTI/P-195/7411/13

Dated : 29-10-2013

To

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


29 OCT 2013

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 and diary no. under which the letter No. A.50050/18/2011-Ad.IC (CESTAT) (Part-1) dated 1.10.2012 of Under Secretary of the Ad-I Section was received in the CESTAT.</p> <p>(B) Please provide date-wise details of the action taken on the said communication and present status of the matter.</p> <p>(C) Please provide the present status of the One Member Inquiry Committee appointed by the President, CESTAT in its order dated 12-8-2011.</p> <p>(D) Please provide copies of all the notes sheets of file No. 01(03)/Reg./Misc./CESTAT/2010</p> <p>(E) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application is dealt with</p> <p>(F) 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.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>

Receipt of the letter to be verified for correct reply

Inspected file to be submitted

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 808489 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

Him/—7411
8811

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

Date of Hearing/decision: 27.02.2014

Appeal No.08-118(A)/CESTAT/FAA/AW/2013

CPIO, I.D.No. 08-206/2013

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER NO. 125/2014

Per Rakesh Kumar:-

The applicant vide his application No. RTI/P-195/7411/13 dt. 29.10.13 made to CPIO, had sought the following information:-

"Details of information required:


- (a) please provide the date and diary no. under which the letter No. A.500050/18/2011-AD.IC(CESTAT)(Part-I) dt. 01.10.12 of Under Secretary of the AD-I Section was received in the CESTAT.
- (b) Please provide date-wise details of the action taken on the said communication and present status of the matter.



register for 2012. Against above letter dt. 13.01.14 of the CPIO, this appeal has been filed.

3. Heard CPIO and also the Applicant Sh. R.K.Jain.

4. As regards the information in respect of points 'a' 'b' and 'c' in the RTI application, the receipt of the Ministry's Letter dt. 01.10.12 may be verified from the Central Registry and the factual position in this regard and also in respect of present status of the inquiry may be intimated to the applicant. As regards the points 'd' 'e' and 'f' in the RTI application, the inspection of the file No.01(3)/Reg./Misc./CESTAT/2010 and related files, if any, may be allowed to the Appellant.


(Rakesh Kumar)
Member(Technical)

To

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

3. *burned file*
4. *office copy*
5/3/14
ISSUED ON
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110006

Indl
05/3/14

Dyno 5522/CK-13
16/12/13
APPEAL No. 08-117(A)/2013 ①

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

Ref. No. : RTI/P-537/(7418/13)/Appeal/6122
Dated : 14-12-2013

3/12/13 *17/12/13* To
CPIO ID No. 08/209/13
1st Appellate Authority Under RTI Act, 2005,
Customs, Excise & Service Tax Appellate Tribunal
West Block 2, R.K.Puram,
New Delhi - 110066



A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	04-11-2013
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	04.01.2014
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	(A) Copy of RTI Application dated 04.11.2013 (Annexure-1) (B) Copy of CPIO's Letter dated 08.11.2013 (Annexure -2) (C) Copy of Letter dated 13.11.2013 (Annexure -3)

BRIEF FACTS OF THE CASE

2

- (1) The appellant has filed an application dated 04-11-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide the copies of the all the notesheets and correspondence pages of File No. 29(5)/CESTAT/MACP/2012-Admn.*
 - (B) *Please provide datewise details of the financial upgradation ordered from 01-04-2012 till the date of providing the information.*
 - (C) *Please provide datewise details of the implementation of the order No. 29(5)/CESTAT/MACP/2012-Admn., dated 4-4-2013 in respect of each of the officials whose names are appearing in the aforesaid order.*
 - (D) *Please provide datewise details of the officials in respect of whom MACP still remains to the implemented as on 01-11-2013 and the actual benefit still to be disbursed to them.*
 - (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 08-11-2013 (**Annexure-2**) of the Accounts Officer & CPIO, CESTAT, R.K. Puram, New Delhi. The Appellant vide letter dated 13-11-2013. (**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 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.
- (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

4

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 : 14-12-2013

Annexure (1) (5)

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

06 NOV 2013

Ref. No. : RTI/P-195/7448/13

Dated : 4-11-2013 06/11/13

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 copies of the all the notesheets and correspondence pages of File No. 29(5)/CESTAT/MACP/2012-Admn.</p> <p>(B) Please provide datewise details of the financial upgradation under MACP Scheme was ordered from 01-04-2012 till the date of providing the information.</p> <p>(C) Please provide datewise details of the implementation of the order No. 29(5)/CESTAT/MACP/2012-Admn., dated 4-4-2013 in respect of each of the officials whose names are appearing in the aforesaid order.</p> <p>(D) Please provide datewise details of the officials in respect of whom MACP still remains to the implemented as on 01-11-2013 and the actual benefit still to be disbursed to them.</p> <p>(E) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application is dealt with.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p>

5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 13F 871396 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.

Place : New Delhi

Encl. : as above

Hira/—7418
ps


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

Annexure - (2)

F.No..D.8...209...../CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 8/11/2013

ID No. 08-209/13

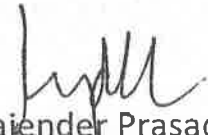
Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 7418/13 dated
4/11/13 (copy enclosed) wherein certain information are sought
as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section
5(4) read with Section 5(5) of RTI Act, 2005, the RTI application
No. 7418/13 dated 4/11/13 CPIO ID No 08-209/13 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 19/11/13 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above


(Rajender Prasad)
Accounts Officer/CPIO

To

1 AR (Admin)

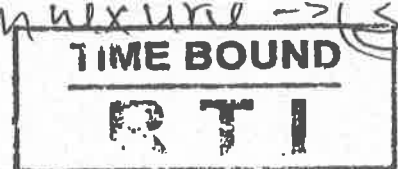
2 ~~AR (Admin)~~

3

Copy to: Shri R.K. Jain, 1512-B, Bhikshu Potekar Marg,
Wazir Nagar, New Delhi-11003.

V-6683

o/c

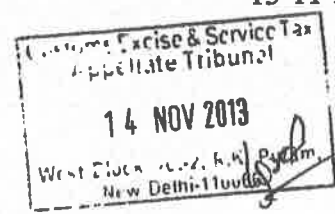


R.K. JAIN M.Com., LL.B.
President, Excise and Customs Bar Association
Editor of
EXCISE LAW TIMES & SERVICE TAX REVIEW
and author of
CENTRAL EXCISE LAW GUIDE
CENTRAL EXCISE TARIFF, CUSTOMS TARIFF,
CENTRAL EXCISE MANUAL, CUSTOMS LAW MANUAL &
EXIM POLICY AND HANDBOOK OF PROCEDURE

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

RTI/P-195/7418/13/R8143
13-11-2013

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



Sub: My RTI Application No. RTI/7418/13, dated 4/11/2013

Dear Sir,

This refers to the letter no. 08-209/CESTAT/CPIO-ND/RP/2013 dated 08.11.2013 of Mr. Rajender Prasad, Accounts Officer & CPIO, CESTAT, 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: 27.02.2014

Appeal No.08-117(A)/2013/CESTAT/FAA/AW/2013
CPIO, I.D.No. 08-209/2013

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER NO. 124/2014

Per Rakesh Kumar:-

This is an appeal against deemed refusal of furnishing the information sought under RTI Act in respect of application No. RTI/P-195/7418/2013 dt. 14.11.2013, filed by Sh. R.K.Jain.

Heard the CPIO and also Sh. R.K.Jain, the Appellant. The applicant states that the information has such now been received by him, though after delay of about 23 days and as such he is not pressing this appeal.

Accordingly this appeal stands disposed off.

(Rakesh Kumar)
Member(Technical)

To

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

2. Copy of CPIO.

3. General file

4. office copy

573/14
ISSUED ON
SIGN (DEPT. CH. SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110006

hpl
05/07/14

SP870 FAR
DY NO. 5472/CR-13
12/12/13
APR 2014 NO. 08-116(A)/2013
①
First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-537/(7338/13)/Appeal/6101

Dated : 09-12-2013

2/Ans/13
12/12/13
To

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

A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi – 110066
2.	Date of submission of application (Copy of application attached)	17-10-2013	
3.	Details of the order appealed against	CPIO's letter F.No.08-205/CESTAT/CPIO-ND/RP/2013 dated 2-12-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	2-1-2014	
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 17-10-2013. (Annexure-1) (2) Copy of CPIO's letter dated 2-12-2013.(Annexure-2)	

BRIEF FACTS OF THE CASE

(1) The appellant has filed an application dated 17-10-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of the DOPT regarding proactive disclosure of RTI applications, appeals received and their responses on your website with search facility based on keyword.*
- (B) *Provide copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of DOPT, as required under para 4.3 of the said Guidelines*
- (C) *Provide datewise details of the action taken by your public authority in relation to paragraph 4.1, 4.2, 4.4 and 4.7 of the aforesaid Guidelines of the DOPT and copies of all notesheets & correspondence*
- (D) *Please provide datewise details of the compliance of para 3.6 of the aforesaid Guidelines.*
- (E) *Please provide list of directions given in the aforesaid Guidelines which have not so far been implemented/operationalised by you till 17.10.2013 and expected date by which each one of them is expected to be implemented.*

NOTE:- *As per paragraph 4.1 of the aforesaid guidelines all public authorities, including CIC is to make the aforesaid guidelines fully operationalised within a period of six-month, the said period of six-month has expired on 15th of October 2013, as the guidelines in question were issued on 15 April 2013.*

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

CPIO in question.

- (3) That the CPIO by his order dated 02.12.2013 (**Annexure-2**) has provided incomplete and incorrect information. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the learned 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 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the CPIO and the deemed CPIO Shri Mukesh Gupta, Assistant Registrar, Administration has provided incomplete and incorrect information. He has merely stated that the copy of the DOPT guidelines has been forwarded to all DR/AR along with CPIO, New Delhi for necessary compliance. The reply given to the earlier RTI application was in October, 2013 well the current reply to the CPIO is December, 2013, thus, the CPIO is holding the information pertaining to the period after the response to the earlier RTI application. Therefore, the order of the CPIO is incorrect and illegal and is liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That the Ld. 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 and he 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 : 09-12-2013

Annexure - 1

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

Ref. No. :RTI/P-195/7338/13

Dated : 17-10-2013

To

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

18 OCT 2013

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR, dated 15 April 2013 of the DOPT regarding proactive disclosure of RTI applications, appeals received and their responses on your website with search facility based on keyword.</p> <p>(B) Provide copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda No. 1/6/2011-IR, dated 15 April 2013 of DOPT, as required under para 4.3 of the said Guidelines</p> <p>(C) Provide datewise details of the action taken by your public authority in relation to paragraph 4.1, 4.2, 4.4 and 4.7 of the aforesaid Guidelines of the DOPT and copies of all notesheets & correspondence</p> <p>(D) Please provide datewise details of the compliance of para 3.6 of the aforesaid Guidelines.</p> <p>(E) Please provide list of directions given in the aforesaid Guidelines which have not so far been implemented/operationalised by you till 17.10.2013 and expected date by which each one of them is expected to be implemented.</p>

		NOTE:- As per paragraph 4.1 of the aforesaid guidelines all public authorities, including CIC is to make the aforesaid guidelines fully operationalised within a period of six-month, the said period of six-month has expired on 15th of October 2013, as the guidelines in question were issued on 15 April 2013. 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 808370 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
8.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.	

Place : New Delhi

Encl. : as above

anv/---7338


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

Annexure-2

7

F.No. 08-205...../CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 02/12/2013

ID No. 08-205/2013

To

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

Subject: information under Right to Information Act.2005.

Sir,

Please refer to your RTI application No. 7338/13 dated 17/10/13
and Tribunal's ID No. 08-205/13 the information received from AR (Admin)
containing 01 pages is endorsed herewith for your reference please.

You are therefore, requested to acknowledge the receipt of the same 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

4
F. No ID No 33(199)RTI/Misc/CESTAT/ND/Admn-2013

ID No 08-205/2013

Dated : 29/11/2013

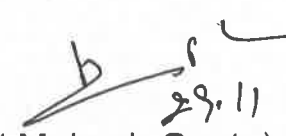
Subject: Information sought under RTI Act 2005 - reg

Sir,

With reference to your letter No F. No 08-205/CESTAT/CPIO-ND/RP/2013 dated 23/10/2013 ID No 08-205/2013.

In this connection it is submitted that the Para wise information as asked by Sh RK Jain, vide his RTI application No 7338/13 dt 17/10/2013 and CPIO ID No 08/205/13 the Ministry of Personnel, Pubic Grievances & Pensions letter No 1/6/2011-IR and its guidelines received in this office on 25/10/2013 and the copy of the same has been forwarded to all DR/AR alongwith CPIO, New Delhi on 07.11.2013 for necessary compliance of the above OM.

This may please be inform to the Applicant.


(Mukesh Gupta)
Assistant Registrar (Admn)

To,

✓ Shri Rajender Prasad
Account Officer /CPIO

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

Date of Hearing/decision: 27.02.2014

**Appeal No.08-115-116(A)/CESTAT/FAA/AW/2013
CPIO, I.D.No. 08-205/2013**

Sh. R.K.Jain

Appellant

Vs,

Sh. Rajender Prasad, CPIO

Respondent

ORDER NO. 122-123/2014

Per Rakesh Kumar:-

Both the appeals are in respect of the same application vide application No. RTI/P-195/7338/13 dt. 17.10.13 submitted by Sh. R.K.Jain, wherein following information has been sought :-

"Details of information required:

- (a) please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR, dt. 15.04.2013 of the DOPT regarding proactive disclosure of RTI applications, appeals, received and their responses on your website with search facility based on keyword.
- (b) Please copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda

4. The applicant seeks point-wise information about the implementation of the Office Memoranda No.1/6/2011-IR,dt. 15.04.2013 regarding suo moto proactive disclosure of information on the organization website under Section 4 of the RTI Act, 2005. The reply by the CPIO does not disclose any action taken by the CESTAT on the DOPT's Office Memoranda. The CPIO is directed to furnish point-wise reply regarding factual position of status of implementation of the DOPT's Office Memoranda No.1/6/2011-IR,dt. 15.04.2013. It is also directed that inspection of the correspondence files and note sheets thereof in respect of suo moto disclosure of information under section 4 of the RTI Act, 2005, may also be allowed to the applicant.


(Rakesh Kumar)
Member(Technical)

To

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

3. Bureau file

✓ 4. office copy

hpd
05/3/14

5/3/14
ISSUED ON
SIGN (OFFICE) SECTION)
CUSTOMS & SERVICE TAX
NEW DELHI 110066

DYMO. 5378/c12-13
5/12/13

CPIO ID NO. 88/205/13 ①

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

Ref. No. : RTI/P-501/(7338/13)/Appeal/6077

Dated : 05-12-2013

Appeal No. 08-115(A)/2013

To

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



A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	17-10-2013	
3.	Details of the order appealed against	Appeal against deemed refusal	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	17.12.2013	
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	(A) Copy of RTI Application dated 17.10.2013 (Annexure-1)	

BRIEF FACTS OF THE CASE

(1) The appellant has filed an application dated 17-10-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of the DOPT regarding proactive disclosure of RTI applications, appeals received and their responses on your website with search facility based on keyword.*
- (B) *Provide copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of DOPT, as required under para 4.3 of the said Guidelines*
- (C) *Provide datewise details of the action taken by your public authority in relation to paragraph 4.1, 4.2, 4.4 and 4.7 of the aforesaid Guidelines of the DOPT and copies of all notesheets & correspondence*
- (D) *Please provide datewise details of the compliance of para 3.6 of the aforesaid Guidelines.*
- (E) *Please provide list of directions given in the aforesaid Guidelines which have not so far been implemented/operationalised by you till 17.10.2013 and expected date by which each one of them is expected to be implemented.*

NOTE:- As per paragraph 4.1 of the aforesaid guidelines all public authorities, including CIC is to make the aforesaid guidelines fully operationalised within a period of six-month, the said period of six-month has expired on 15th of October 2013, as the guidelines in question were issued on 15 April 2013.

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

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

- (3) That the appellant has not received the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005, 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 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.

4

- (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 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 : 05-12-2013

rks

0/c
Annexure - 1 (5)

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

Ref. No. :RTI/P-195/7338/13

Dated : 17-10-2013

To

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

18 OCT 2013

18/10/13

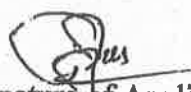
1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of the DOPT regarding proactive disclosure of RTI applications, appeals received and their responses on your website with search facility based on keyword. (B) Provide copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of DOPT, as required under para 4.3 of the said Guidelines (C) Provide datewise details of the action taken by your public authority in relation to paragraph 4.1, 4.2, 4.4 and 4.7 of the aforesaid Guidelines of the DOPT and copies of all notesheets & correspondence (D) Please provide datewise details of the compliance of para 3.6 of the aforesaid Guidelines. (E) Please provide list of directions given in the aforesaid Guidelines which have not so far been implemented/operationalised by you till 17.10.2013 and expected date by which each one of them is expected to be implemented.

		NOTE:- As per paragraph 4.1 of the aforesaid guidelines all public authorities, including CIC is to make the aforesaid guidelines fully operationalised within a period of six-month, the said period of six-month has expired on 15th of October 2013, as the guidelines in question were issued on 15 April 2013. 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 808370 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
8.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.	

Place : New Delhi

Encl. : as above

asn/—7338


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

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

Date of Hearing/decision: 27.02.2014

Appeal No.08-115-116(A)/CESTAT/FAA/AW/2013

CPIO, I.D.No. 08-205/2013

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER NO. 122-123/2014

Per Rakesh Kumar:-

Both the appeals are in respect of the same application vide application No. RTI/P-195/7338/13 dt. 17.10.13 submitted by Sh. R.K.Jain, wherein following information has been sought :-

"Details of information required:

- (a) please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR, dt. 15.04.2013 of the DOPT regarding proactive disclosure of RTI applications, appeals, received and their responses on your website with search facility based on keyword.
- (b) Please copy of the Action Taken Rep[ort submitted on the compliance of the Guidelines issued under Office Memoranda

4. The applicant seeks point-wise information about the implementation of the Office Memoranda No.1/6/2011-IR,dt. 15.04.2013 regarding suo moto proactive disclosure of information on the organization website under Section 4 of the RTI Act, 2005. The reply by the CPIO does not disclose any action taken by the CESTAT on the DOPT's Office Memoranda. The CPIO is directed to furnish point-wise reply regarding factual position of status of implementation of the DOPT's Office Memoranda No.1/6/2011-IR,dt. 15.04.2013. It is also directed that inspection of the correspondence files and note sheets thereof in respect of suo moto disclosure of information under section 4 of the RTI Act, 2005, may also be allowed to the applicant.


(Rakesh Kumar)
Member(Technical)

To

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

3. *burned file*

✓ 4. *office copy*

hpd
05/3/14

5/3/14
ISSUED ON

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

W/No. 5100/C2-13
9/11/2013

08-113(A1)/2013

①

W/No 08-199/2013

07 NOV 2013

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

Ref. No. : RTI/P-537/(7233/13)/Appeal/5974

Dated : 06-11-2013

To

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

A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	04-10-2013
3.	Details of the order appealed against	CPIO's letter F.No. 08-199/CESTAT/CPIO-ND/RP/2013 dated 25-10-2013 read with letters dated 23-10-2013 & 14-10-2013
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	25-11-2013
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 4-10-2013. (Annexure-1) (2) Copy of CPIO's letter dated 10-10-2013. (Annexure-2) (3) Copy of CPIO's letter dated 14-10-2013 (Annexure-3)

25/11/13
21/11/13

		(4) Copy of 1st Appeal No. 5952 dated 17-10-2013. (Annexure-4) (5) Copy of CPIO's letter dated 23-10-2013. (Annexure-5) (6) Copy of CPIO's letter dated 25-10-2013. (Annexure-6) (7) Copy of First Appellate Authority order dated 31-10-2013. (Annexure-7)
--	--	--

BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 04-10-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide list of all appeals and applications (including stay applications) pending as on 1-10-2013 or any other date of October, as is convenient to you, for all Benches at New Delhi indicating the name of parties, appeal/application No., date of filing, amount of duty, penalty, fine and interest involved and name of the Advocate/Consultant, if available. The information may be provided on CD for which a Postal Order No. 79G 009413 for Rs. 50/- is enclosed.*
- (B) *Please provide list of cases heard by all Benches at New Delhi in which orders have been reserved but not pronounced within 90 days of last hearing as on 1-10-2013*
- (C) *Please provide list of cases in which the operative part of the order has been pronounced during hearing, but the written order has not been issued within 90 days of said hearing as on 1-10-2013.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the CPIO by his order dated 10-10-2013 (**Annexure-2**) forwarded the application to 4 Deemed CPIOs. The CPIO by his letter dated 14-10-2013 (**Annexure-3**) provided incomplete and incorrect information. The appellant filed a first appeal dated 17-10-2013 (**Annexure-4**) which was heard on 31-10-2013 and was dismissed as premature. The appellant further received letter dated 23-10-2013 (**Annexure-5**) providing

incomplete and incorrect information. The First Appellate Authority by order dated 31-10-2013 (**Annexure-7**) had dismissed the aforesaid appeal as pre-mature. The CPIO lastly by letter dated 25-10-2013 (**Annexure-6**) provided incomplete information. The appellant being aggrieved by the said orders of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the learned 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 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the Deemed CPIO of the Single Member Bench has not so far provided any information inspite of the RTI application in question having been transferred to him. 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 and the deemed CPIOs has erred in providing incomplete information in relation to point (A) of the RTI application, inasmuch as he has provided only the data pending appeals from 4 January 2012, whereas the appellant has sought the information of all the pending appeals and applications as on 1 October 2013 or for any other date of October 2013 with the particulars specified in the said application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (5) That the CPIO and the deemed CPIO of the Customs Branch and the Central Excise Branch have failed to provide information sought in point (C) of the RTI application. As per the provisions of the RTI Act, they should have forwarded / transferred the RTI application to the Officers, who are holding the 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.

- (6) That Deemed CPIO of the Excise Branch has erred in denying the information sought at point (C) of the RTI application on the ground that it is not being maintained. . The information in question has wrongly been denied claiming that "not maintained by Excise Branch". 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 © 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.

- (7) That the Ld. 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 Ld. 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.
- (9) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (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 and he 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 : 06-11-2013

O/K
Annexure - 1 (7)

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

Ref. No. : RTI/P-195/7233/13

Dated : 4-10-2013

To

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

4 OCT 2013

64/10/13

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 list of all appeals and applications (including stay applications) pending as on 1-10-2013 or any other date of October, as is convenient to you, for all Benches at New Delhi indicating the name of parties, appeal/application No., date of filing, amount of duty, penalty, fine and interest involved and name of the Advocate/Consultant, if available. The information may be provided on CD for which a Postal Order No. 79G 009413 for Rs. 50/- is enclosed . (B) Please provide list of cases heard by all Benches at New Delhi in which orders have been reserved but not pronounced within 90 days of last hearing as on 1-10-2013 (C) Please provide list of cases in which the operative part of the order has been pronounced during hearing, but the written order has not been issued within 90 days of said hearing as on 1-10-2013. 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.	

Appellate
the
information
does not pertain
to the
Appellate
Tribunal
2/11/13

8

6. A Postal Order No. 13F 807921 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

asn/- 7213

Annexure-2 (9)

F.No. 08-199/CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 10/10/2013

ID No. 08-199/2013

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 7-13 dated
10/10/13 (copy enclosed) wherein certain information are sought
as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section
5(4) read with Section 5(5) of RTI Act, 2005, the RTI application
No. 7233/13 dated 04/10/13 CPIO ID No 08-199/2013 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 22/10/13 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above


(Rajender Prasad)
Accounts Officer/CPIO

To

- 1 Computer Section.
- 2 AR - Customs Branch.
- 3 AR - Excise Branch
- 4 AR - SM - Branch.

✓ Copy to - Sh. R.K. Jain, 15/2-B, Bhishtan Pichan Marg,
Hazrat Nagan New Delhi-3

17/10/2013
RP1-7233

Annexure 3 (10)

199.../CESTAT/CPIO-ND/RP/2013,
Excise and Service Tax, Appellate Tribunal,
Block No.2, R.K.Puram, New Delhi-110066.

15/10/13
DPR

Dated 14/10/13

ID No. 68-199/13

Sir,

Subject: information under Right to Information Act.2005.

Sir,

Please refer to your RTI application No. 7233/13 dated 04/10/13 and Tribunal's ID No. 68-199/13 the information received from Computer Section containing CD+more pages is endorsed herewith for your reference please.

You are therefore, requested to acknowledge the receipt of the same 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

(11)

F.No 8/2/CESTAT/Comp/08 vol-1
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.2, R.K. PURAM, NEW DELHI.

Dated: 14.10.2013

To

Shri Rajendar Prasad
Central Public Information Officer/AO
Cestat Delhi

Sub: CPIO ID No 08-199/13
Refer: RTI/P-195/7233/13 dated 04.10.2013

Sir,

The information as desired by the applicant is furnished below.

For point A the information is copied in CD is enclosed.

For point B not related to this section.

For point C not related to this section.

Further CPIO is requested to acknowledge the receipt of the information and
necessary further action at your end please.

Encl: CD one number (list of appeal and application
including duty, penalty, interest, etc.)

Yours faithfully


Naresh Kumar
Deputy Registrar
Incharge Computer Section


1439/CPIO
14/10/2013

C/C
Annexure 4

12

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

Ref. No. :RTI/P-537/(7233/13)/Appeal/5952

Dated : 17-10-2013

To

Shri Sahab Singh,
Hon'ble 1st Appellate Authority Under RTI Act, 2005,
CESTAT, West Block 2, R.K.Puram,
New Delhi - 110066

18 OCT 2013

18/10/13

A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajender Prasad CPIO & Accounts Officer
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	04-10-2013	
3.	Details of the order appealed against	CPIO's letter F.No.08-199/CESTAT/CPIO-ND/NK/2013 dated 14-10-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	14-11-2013	
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 4-10-2013. (Annexure-1) (2) Copy of CPIO's letter dated 10-10-2013. (Annexure-2) (3) Copy of Appellant's 4 reminder letters dated 14-10-2013. (Annexure-3) (4) Copy of CPIO's letter dated 14-10-2013. (Annexure-4)	

BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 04-10-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for 'the following information:

(A) *Please provide list of all appeals and applications (including stay applications) pending as on 1-10-2013 or any other date of October, as is convenient to you, for all Benches at New Delhi indicating the name of parties, appeal/application No., date of filing, amount of duty, penalty, fine and interest involved and name of the Advocate/Consultant, if available. The information may be provided on CD for which a Postal Order No. 79G 009413 for Rs. 50/- is enclosed.*

(B) *Please provide list of cases heard by all Benches at New Delhi in which orders have been reserved but not pronounced within 90 days of last hearing as on 1-10-2013*

(C) *Please provide list of cases in which the operative part of the order has been pronounced during hearing, but the written order has not been issued within 90 days of said hearing as on 1-10-2013.*

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the CPIO by his order dated 14 October 2013 has provided incomplete information in relation to point (A) of the RTI application. 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 learned 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 and therefore, there was no valid cause or reason or ground for not providing the

information.

- (3) That the CPIO and the deemed CPIO has erred in providing incomplete information in relation to point (A) of the RTI application, inasmuch as he has provided only the data pending appeals from 4 January 2012, whereas the appellant has sought the information of all the pending appeals and applications as on 1 October 2013 or for any other date of October 2013 with the particulars specified in the said 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 and the deemed CPIO have failed to provide information as sought in point of the RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (5) That the Ld. CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (6) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (7) That 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.
- (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 and he 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 : 17-10-2013

Annex 5 → (16)

F.No. 08-199...../CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 23/10/13

ID No. 08-199/2013

To

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

Subject: information under Right to Information Act.2005.

Sir,

Please refer to your RTI application No. 7233 ~~08-199~~/13 dated 04/10/13
and Tribunal's ID No. 08-199/13 the information received from AR (Customs)
containing 3 pages is endorsed herewith for your reference please.

You are therefore, requested to acknowledge the receipt of the same and
deposit Rs. 6 @2/- per page to this Tribunal by cash or DD in favour of
Accounts Officer, CESTAT, New delhi.


(Rajender Prasad)
Accounts Officer/CPIO

Annexure G (17)

F.No. 08-199...../CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 25/10/13

ID No. 08-199/2013

To

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

Subject: information under Right to Information Act.2005.

Sir,

Please refer to your RTI application No. 7233/13 dated 4/10/13
and Tribunal's ID No. 08-199/13 the information received from AR (C. B. N.)
containing 10 pages is endorsed herewith for your reference please.

You are therefore, requested to acknowledge the receipt of the same and
deposit Rs. 020/- @2/- per page to this Tribunal by cash or DD in favour of
Accounts Officer, CESTAT, New delhi.


(Rajender Prasad)
Accounts Officer/CPIO

APPELLATE AUTHORITY RTI ACT
CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi

Date of Hearing : 31.10.2013

Appeal No. 08-110(A)/2013
CPIO ID No. 08-199/2013

Shri R.K. Jain

Appellant

Vs.

Shri Rajender Prasad, CPIO

Respondent

Order...11/7/2013.....

Heard Shri R.K. Jain, appellant in presence of CPIO Shri Rajender Prasad and Shri Kripa Shankar, A.R.

2. Appeal is dismissed being pre-mature.


(Sahab Singh)

Appellate Authority under the RTI Act

To

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

2. Shri Rajender Prasad, AO/CPIO

3. Bureau file

4. office copy

SPS to IFAA

DYNO. 5213/ex-13
19/11/13

08-114(A)/2013
PDN 0. 08-176/2431

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

Ref. No. : RTI/P-537/(7031/13)/Appeal/6004

Dated : 18-11-2013

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



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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Rajinder Prasad, CPIO &Accounts Officer,
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	04-08-2013	
3.	Details of the order appealed against	F.No. 08-176/CESTAT/CPIO-ND/NK/2013 dated 14-11-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	14-12-2013	
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 3-8-2013. (Annexure-1) (2). Copy of Appellate Order dated 24-10-2013 (Annexure-2) (3) Copy of Appellant's reminder letter dated 31-10-2013. (Annexure-3) (4). (Copy of CPIO's letter dated 14-11-2013. (Annexure-4	

253/55/13

21/11/13

BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 04-08-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide the details of the amount sanctioned for computerisation / on account of computer hardware, software and consumables for CESTAT for the financial year 2009-10 to 2013-14.*
 - (B) *Please provide the details of the amount spent at CESTAT for computerisation / on account of computer hardware, software and consumables for the financial year 2009-10 to 2013-14 (upto August, 2013).*
 - (C) *Please provide the details of computerization of CESTAT, Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore as on 1-8-2013 and details of the further plans.*
 - (D) *Please provide details of the dates from which computer generated cause lists are issued for CESTAT, Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore.*
 - (E) *Please provide the information and details of the Benches at CESTAT, Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore, which are not issuing computer-generated cause list.*
 - (F) *Please provide basis and details of issue of non-computer generated cause list by Excise Branch of CESTAT at New Delhi and the action taken by the Registrar in this respect.*
 - (G) *Please provide details of the orders passed / issued by CESTAT Benches at Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore, but not uploaded on CESTAT website from 1-1-2013 till the date of providing the information and steps taken to ensure uploading of all order of CESTAT on its website.*
- NOTE: The Registrar, Dy. Registrars and Asstt. Registrars of all the Benches of the CESTAT are also Holder of the information, therefore, my application may be forwarded/ transferred to them also u/s 5(4) and section 5(5) / section 6(3) of the RTI Act.**
- (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 first Appellate authority by its order dated 24.10.2013 (**Annexure 2**) directed the CPIO to provide information in respect to point (B) and (G) of the RTI application. The appellant by reminder dated 31.10.2013 (**Annexure 3**) requested the CPIO to comply with the appellate order and to provide the information. The CPIO vide letter dated 14.11.2013 (**Annexure -4**) provided report of the Dy. Registrar (Judicial) and SPS to the Hon'ble President and other Deemed CPIO's. The appellant is aggrieved by the said order of the CPIO/Deemed CPIO's, hence this appeal.

GROUNDS OF APPEAL

- (1) That the order in question of the learned 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 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the Dy. Registrar (Judicial) has wrongly asked the appellant to inspect the concerned files instead of providing the information. The other CPIOs have denied the information as not relating to them. The Deemed CPIO may be directed to provide the information while number of orders passed by CESTAT has not been uploaded on the website. 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 Ld. 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 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.
- (7) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside and he 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 : 18-11-2013

07C

Annexure - 1

5

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

Ref. No. :RTI/P-195/7031/13

Dated : 3-8-2013

To

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

20/8/13

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	<div style="display: flex; align-items: flex-start;"><div style="flex: 1;"><p><u>2 weeks</u></p><p>CPIO sends 2 weeks to provide info in report & Part 2 & 10 of Appellate 2/12</p></div><div style="flex: 2;"><p>(A) Please provide the details of the amount sanctioned for computerisation / on account of computer hardware, software and consumables for CESTAT for the financial year 2009-10 to 2013-14.</p><p>(B) Please provide the details of the amount spent at CESTAT for computerisation / on account of computer hardware, software and consumables for the financial year 2009-10 to 2013-14 (upto August, 2013).</p><p>(C) Please provide the details of computerization of CESTAT, Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore as on 1-8-2013 and details of the further plans.</p><p>(D) Please provide details of the dates from which computer generated cause lists are issued for CESTAT, Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore.</p><p>(E) Please provide the information and details of the Benches at CESTAT, Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore, which are not issuing computer-generated cause list.</p><p>(F) Please provide basis and details of issue of non-computer generated cause list by Excise Branch of CESTAT at New Delhi and the</p></div></div>

		<p>action taken by the Registrar in this respect.</p> <p>(G) Please provide details of the orders passed / issued by CESTAT Benches at Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore, but not uploaded on CESTAT website from 1-1-2013 till the date of providing the information and steps taken to ensure uploading of all order of CESTAT on its website.</p> <p>NOTE: The Registrar, Dy. Registrars and Asstt. Registrars of all the Benches of the CESTAT are also Holder of the information, therefore, my application may be forwarded/ transferred to them also u/s 5(4) and section 5(5) / section 6(3) of the RTI Act.</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. 11F 109371 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

Na/7031

APPELLATE AUTHORITY RTI ACT
CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi

Annexure 2

7

Date of Hearing : 24.10.2013

Appeal No. 08-73(A)/2013
CPIO ID No. 08-176/2013

Shri R.K. Jain

Appellant

Vs.

Shri Rajender Prasad, CPIO

Respondent

Order...80/2013.....

Heard Shri R.K. Jain, appellant in presence of CPIO Shri Rajender Prasad and Shri Kripa Shankar, A.R.

2. Appellant does not press the information in respect of Part (A), (C), (D), (E) and (F). Information in respect of (B) available at Delhi and (G) should be provided to the appellant within two weeks after obtaining from Sr.P.S/P.As.


(Sahab Singh)

Appellate Authority under the RTI Act

To

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

2. Shri Rajender Prasad, AO/CPIO

Guard file V-6540

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-195/7031/13/R8014

31-10-2013

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

31 OCT 2013

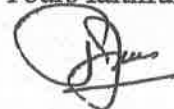
Sub: My RTI Application No. RTI/7031/13, dated 4/8/2013

Dear Sir,

This refers to the Order No. 80/2013 dated 24-10-2013 of Shri Sahab Singh, Appellate Authority under RTI Act. You are requested to comply with the aforesaid Order and provide the information within two weeks.

Thanking you,

Yours faithfully,



[R.K. Jain]

Annexure 4

9

F.No. 08-176...../CESTAT/CPIO-ND/11/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 14/11/13

ID No. 08176/2213

To

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

Subject: information under Right to Information Act.2005.

Sir,

In compliance of FAA's order No. 80/2013

Please refer to your RTI application No. 7031/13 dated 3/8/13
and Tribunal's ID No. 08-176/13 the information received from the named below officers *
containing 05 pages is endorsed herewith for your reference please.

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

*.

- ① DRD / Complex Pte
- ② Sps to Hon'ble President
- ③ Sps to Hon'ble M(T) Shri Sahab Singh
- ④ Sps to Hon'ble M(T) Shri Rakesh Kumar
- ⑤ Sps to Hon'ble M(T) Ms. Aruna Prasad


(Rajender Prasad)
Accounts Officer/CPIO

(10)

**F.No 8/2/CESTAT/Comp/08 Vol-1
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.2, R.K. PURAM, NEW DELHI.**

Dated: 31.10.2013

To

Shri Rajender Prasad
CPIO/AO
CESTAT DELHI

Sub: RTI ID No 08-176/13

Refer: Appellate Authority Order No 80/2013 dated 29-10-2013

Sir,

With reference to First Appellate Authority order no 80/2013 the information for point B has already been given in RTI ID No. 08-196/13 to applicant further if desired may inspect the concerned file. In respect of point G the judgment received by this section for Delhi bench is posted in the website up-to-date.


**Naresh Kumar
Dy.Registrar(J)**



Ms. Anjan
hdy
31/10/13

1501/CPIO
01/11/2013

CESTAT, New Delhi

Dated: 31.10.2013

In pursuance of the letter F.No. 08-176/CESTAT/CPIO-ND/NK/2013 dated 29/10/2013 seeking information asked for by the Applicant Shri R.K. Jain in his RTI Application No.P-195/7031/13 dated 3.8.2013 as well as the order No.80/2013 dated 24.10.2013 passed by the First Appellate Authority directing to provide the required information to the appellant after obtaining from Sr.PS/P.As., it is certified that no orders passed by the Bench(s) are lying with us till date for uploading purposes. Uploading of orders in the net are done not by us but by Computer Section to which the orders are sent in the prescribed format for that purpose for which the Computer Section in-charge is wholly responsible in this regard.


(S.C. Das)

Sr.P.S. to Hon'ble President

CPIO, CESTAT, NEW DELHI

1503/EPD
31/10/2013

The CPIO,
CESTAT,
New Delhi

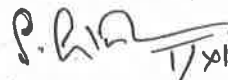
Sub: Order No.80/2013 passed by Hon'ble'ble Shri Sahab Singh,
Member (Technical), the First Appellate Authority under
the RTI Act.

Sir,

1. Please refer to your letter No.8-176/CESTAT/CPIO-ND/NK/2013,
dated 29-10-2013 and Order dated 24.10.2012 in Appeal No.08-
37(A)/2013.
2. Para 2 of the said order directed that the information in respect
of Part (G) should be provided by the Sr.P.S./P.As.
3. It is clarified that the numbering of orders and uploading upto
internal network is done by us, but uploading on website is not related
to us because it requires computer software skill. Hence Para (G) of
the order is not pertaining to Sr.PSs/PAs.

Thanking you,

Yours faithfully,



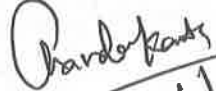
(S. Senthil Kumaran)
Sr. P.S. to Member (Tech)
01.11.2013

1507/CPIO
24/11/2013

Dated:01.11.2013

Sub.:- Information sought under Order No.80/2013 passed by the Hon'ble Shri Sahab Singh, Member (Technical), the First Appellate Authority under RTI Act.

With reference to your letter F.No.08-176/CESTAT/CPIO-ND/NK/2013 dated 29.10.2013 and Order dated 24.10.2013 in Appeal No.08-37(A)/2013 dated 24.10.2013 regarding supply of information under para (G) of the letter, it is informed that the numbering of the orders and uploading upto internal network is done by Sr.PSs/PAs but uploading on website is not related to them as it requires computer software skill. Hence, information sought under para (G) of the letter is not related to Sr.P.Ss/P.As.


(Chander Kanta)
SPS to Shri Rakesh Kumar,
Member (Technical)

CPIO, CESTAT, New Delhi.

To

14

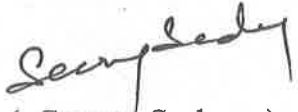
~~Ad~~
The CPIO/ ~~Deputy Registrar~~
Customs, Excise & Service Tax
Appellate Tribunal,
New Delhi.

Sir,

Ref: Order No. 80/2013 dt.24.10.13 passed by Appellate
Authority in respect of F.No. 08-176/CESTAT/ CPIO-
ND/ NK/2013 dated 3/8/2013

With reference to above mentioned Appellate Order seeking information in respect of part G from Sr.P.S./PAs, it is clarified that the numbering of the orders are done by Sr.PS/PAs but uploading of orders upto internal network is done by us but uploading on website is not related to us as it requires computer software skill. Each and every order transcribed / typed by us except adjournments are being numbered and hence uploaded on internal network. Hence, part G of the order seeking detail of orders passed/ issued but not uploaded on CESTAT website is not pertaining to Sr.PSs/PAs.

Dated: 4.11.2013


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

2519/AW/13
-4/11/13-

APPELLATE AUTHORITY RTI ACT
CUSTOMS EXCISE & SERVICE APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi

Date of Hearing: 02.12.2013

Appeal No. 08-114(A)/2013
CPIO ID No. 08-176/2013

Shri R.K. Jain

Appellant

Vs.

Shri Rajender Prasad, CPIO

Respondent

Order..12/12/2013.....

Heard Shri R.K. Jain, appellant in presence of CPIO Shri Rajender Prasad and Shri Kripa Shankar, A.R.

2. CPIO seeks 2 weeks time to provide information in respect of Part G of the application.


(Sahab Singh)
Appellate Authority under the RTI Act

To

1. Shri R.K. Jain, 1512-B Bhishm Pitamah Marg, Wazir Nagar, New Delhi 110003.
2. Shri Rajender Parasad, AO/CPIO

08-112(A)/2013
EO No. 08-190/2013
DY No. 4994/CX-13
31/10/13

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

Ref. No. : RTI/P-537/(7177/13)/Appeal/5971

Dated : 30-10-2013

To

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

31 OCT 2013

SPS
Hon'ble FAA
1.17.2013

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 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)	13-09-2013
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	13-11-2013
6.	Whether Appeal in Time	Yes
7.	Copies of documents relied upon by the applicant	(1) Copy of RTI application dated 13-9-2013. (Annexure-1) (2) Copy of CPIO's letter dated 16-9-2013. (Annexure-2) (3) Copy of CPIO's letter dated 17-9-2013. (Annexure-3) (4) Copy of CPIO's letter dated 17-9-2013. (Annexure-4) (5) Copy of Appellant's reminder letter dated 20-9-2013. (Annexure-5)

250/55/13
21/11/13

BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 13-09-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
 - (A) *Please provide the copy of the comments made by the then CPIO Shri S.K. Verma in terms of CIC Order in case No. CIC/SS/C/2012/000362 dated 17-5-2013 (copy enclosed)*
 - (B) *Please provide date-wise details of the action taken on my letter No. RTI/P-195/3622/11/R6171 dated 23-5-2013 (copy enclosed).*
 - (C) *Please provide the date-wise details of the action taken by CESTAT for non-compliance of the CIC order.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the appellant received letter dated 16-9-2013 (**Annexure-2**) of the CPIO to Registrar, CESTAT. The Appellant vide letter dated 20-9-2013. (**Annexure-5**) 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 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.
- (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 : 30-10-2013

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

13 Sept 2013

Ref. No. : RTI/P-195/7177/13

Dated : 13-9-2013

To

Shri Naresh Kumar,
CPIO & Deputy Registrar,
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 copy of the comments made by the then CPIO Shri S.K. Verma in terms of CIC Order in case No. CIC/SS/C/2012/000362 dated 17-5-2013 (copy enclosed)</p> <p>(B) Please provide date-wise details of the action taken on my letter No. RTI/P-195/3622/11/R6171 dated 23-5-2013 (copy enclosed).</p> <p>(C) Please provide the date-wise details of the action taken by CESTAT for non-compliance of the CIC order.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 13F 805615 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.	

CPIO should give reply to the applicant within 2 weeks. 8-12-13



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

Place : New Delhi
Encl. : as above

asn/----7177



Central Information Commission
Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,
Bhikaji Cama Place, New Delhi-110066
Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/C/2012/000362
Dated: 17.05.2013

Name of Appellant

Shri R.K. Jain

Name of Respondent

Customs, Excise & Service Tax
Appellate Tribunal (CESTAT)

Date of Hearing

10.05.2013

INTERIM ORDER

Shri R.K. Jain, hereinafter called the appellant, has filed the present complaint dated 13.4.2012, before the Commission against the respondent Customs, Excise & Service Tax Appellate Tribunal (CESTAT), New Delhi for not providing information in response to his RTI-application (Ref. No: RTI/11/3622) dated 1.8.2011. The appellant was present, where as the respondent were represented by Shri Naresh Kumar, Dy. Registrar and Shri S.K. Verma, Assistant Registrar.

2. The appellant, through his RTI application dated 1.8.2011 sought information on the following two queries: "(A) Please provide inspection of records of following appeals: (i) Appeal No. E/324/2010-EX (Shri Hari Agro Industries V. Commissioner, (ii) Appeal No. E/365/2009-EX (Pan Parag Ltd), (iii) Appeal Nos. E/59-61/2010-EX (Sitalspal), (iv) Appeal No. E/2331/2010-EX (Kennily Honda); (B) Please provide copies of orders, records of proceedings and note-sheets of the above appeals".

3: Aggrieved with non receipt of any response from the CPIO, the appellant filed first appeal before the FAA. The FAA vide his order No. 66 of 2011 dated

V-8565

Guard File

8.11.2011 had passed a common order on appellant's 90 RTI applications, held as follows: *"that the CPIO has to examine each of the applications and furnish information where available. Where information is not available in the form in which it is asked, the position may be informed to the appellant. If any application is to be rejected for any reason specified in Section 8 or 9 of the RTI Act, the reason has to be specified and orders should be passed independently in respect of each application. The CPIO has to ensure that each order is numbered and dated"*.

4. In his complaint filed before the Commission the appellant states as under:

- *That Shri S.K. Verma, CPIO, CESTAT, New Delhi has deliberately, malafidely and persistently not providing the information inspite of the clear mandate of the RTI Act and direction of the FAA dated 8.11.2011 and repeated reminders of the Complainant, even though the information sought is readily available with him and is not exempted under Section 8 or 9 or any other provisions of the RTI Act. Therefore, the CPIO is liable for penalty u/s 20(1) of the RTI Act and recommendation for disciplinary action u/s 20(2) of the RTI Act, for defying the orders of the FAA and obstructing the information in question, without any reasonable cause.*
- *The CPIO has knowingly, malafidely delayed and denied the information in question and even after the FAA vide para 11 of his order dated 8.1.2011 has directed the CPIO to specifically examine each RTI application and furnish information wherever available and where information is not available, the position may be informed to the complainant. In spite of these directions of the FAA and reminders dated 11.11.2011 and 26.3.2012 of the complainant, neither any information has so far been provided to the complainant nor the RTI application in question has been dealt with.*
- *The CPIO delayed and obstructed the information in question till date inspite of the time-bound specific provisions of Section 7 of the RTI Act. The malafide of the CPIO is further evident from the fact that he did not provide information inspite of specific direction dated 8.11.2011 of the FAA and complainant's repeated reminders to him.*
- *That FAA's order dated 8.11.2011 has not so far been complied with inspite of repeated reminders of the complainant.*
- *That the complainant has been put to inconvenience, harassment and mental agony because of the malafide conduct of the CPIO, therefore, the complainant is entitled to compensation u/s 19(8) of the RTI Act for the loss and other detrimental suffered by the complainant.*

5. Having considered the submissions of the parties, the Commission hereby directs the CPIO to file his comments before the Commission and endorse a

copy to the complainant within two weeks of receipt of his order. The complainant is advised to file his counter submissions, if any, within two weeks of receipt of comments from the CPIO. On receipt of comments from the CPIO and counter submissions from the complainant, the matter will be decided in due course.

Sushma Singh
(Sushma Singh)

Information Commissioner

Authenticated true copy:

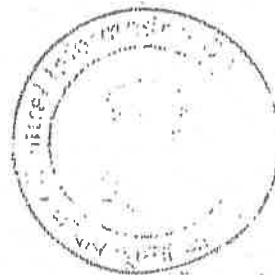
(Signature)
(K.K. Sharma)
OSD & Deputy Registrar

Address of the parties:

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

Shri S.K. Verma,
Assistant Registrar & CPIO,
Customs, Excise and Service
Tax Appellate Tribunal (CESTAT),
2, West Block, R.K. Puram,
New Delhi-110061

The First Appellate Authority,
Customs, Excise and Service
Tax Appellate Tribunal (CESTAT),
2, West Block, R.K. Puram,
New Delhi-110061



F.No. 08-190 / CESTAT/CPIO-ND/NK/2013
 Customs Excise and Service Tax Appellate Tribunal
 West Block No 2, R.K.Puram, New Delhi-110 066

Dated: 15/9/13
 ID No. 08190/13

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. 7177..... dated 13/9/13 (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. 7177 dated 13/9/13 CPIO ID No. 08-190/13 is
 forwarded herewith to the following officers as deemed CPIO with the
 request to provide the correct and parawise information/inspection
 on or before 27-9-13 directly to the applicant and intimate the
 undersigned within the stipulated time failing which, you are
 personally responsible for delay and penalty if any, under section 20
 of RTI Act. You are, further requested to follow OM No. 12/31/2013-
 IR dated; 12.02.2013 circulated on 23.05.2013

Encl: As above.

(Naresh Kumar)

Dy.Registrar/CPIO

To

1. Registrar Para C only
2. Sh SR Veena AR Para A & B
3. CPIO
4. _____
5. _____
6. _____

Copy to Sh. R K Jain 1512 B B Shri Mahalaxmi
 Marg, Nagar, New Delhi

P.No 08-190 / CESTAT / CPIO-ND / NR / 2013
CUSTOMS EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, WEST BLOCK NO 2
R K PURAM, NEW DELHI 110066

Di 17/9/13
Id No 08190/13

To,
Shri R K Jain,
1512 Bhishma Pitamah Marg,
Wazir Nagar,
New Delhi: 110003,

Subject: Information under Right to Information Act
2005.

Sir,

Please refer to your RTI application No. 7177.
Di 13/9/13 and our ID No 08190/13 the information
received from CPIO containing 1 pages
is endorsed 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.



(Naresh Kumar)
Dy.Registrar/CPIO

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

Date: 17.9.2013.

Reply to RTI application No.7177/13 dated 13.9.2013 CPIO ID No.08-190/2013.

Para4(A) I have not received any comments from Mr.S.K.Verma till date in terms of CIC order in case No.CIC/SS/C/2012/000362 dated 17.5.2013.

Para4(B): I had sent your letter No.RTI/P-195/3622/22/R6171 dated 23.5.2013 along with CIC order in case No.CIC/SS/C/2012/000362 dated 17.5.2013 to Mr.S.K.Verma AR vide CPIO letter No.06-183/CESTAT/CPIO-ND/SKV/2011 dated 24.5.2013 which was received by Mr.S.K.Verma on 27.5.2013.

Para4(C): As per RTI file record no action has been taken up by the public authority CESTAT against Mr.S.K.Verma AR for none compliance of CIC order.


Dy.Registrar/CPIO

To,

Sh.R.K.Jain,1512B,Bisham Pitamah Marg,Wazir Nagar,New Delhi:110003.

Annexure-4

P-1608190/CESTAT/EP10-ND/NIC/2013
CUSTOMS EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, WEST BLOCK NO 2
R K PURAM, NEW DELHI 110066

DI 17-9-13
Id No. 08190/13

To,
Shri R K Jain,
1512 Bhishma Pitamah Marg,
Wazir Nagar,
New Delhi: 110003,
Subject: Information under Right to Information Act
2005.
Sir,

Please refer to your RTI application No. 7177
Dt. 13-9-13 and our ID No. 08190/13 the information
received from Sh. S. K. Sharma AR containing 1 pages
is endorsed 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.



(Naresh Kumar)
Dy. Registrar/CPIO

SINGLE MEMBER BRANCH

Please refer to your letter No.F.No.08-190/CESTAT/CPIO-ND/NK/2013 dated 16/09/2013, regarding the RTI application I.D. No.08-190/2013, the requisite information sought by the applicant is in the custody of the CPIO. Presently you are the CPIO and therefore forwarding of such application to the undersigned is sheer wastage of time. This shows lack of attitude towards work. Such attitude cannot be appreciated from any stretch of imagination. As a Deputy Registrar (Judicial) you are suppose to apply your mind before forwarding the RTI application to any of the branch.

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


Assistant Registrar - SM

C. P. I. O.

CC: THE REGISTRAR.

1340
19/9/13

O/C
Annexure-5

23 SEP 2013

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

Excise, Customs & Service Tax Consultant

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,
Opp. ICICI Bank of Defence Colony,
NEW DELHI - 110 003.
PHONE : 24651101
MOBILE : 9810077977

RTI/P-195/7177/13/R7360
20-09-2013

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

Sub: My RTI Application No. RTI/7177/13, dated 13/9/2013

Dear Sir,

This refers to the letter F.No. 08-190/CESTAT/CPIO-ND/NK/2013 dated 16-9-2013 of Mr. Naresh Kumar CPIO & Deputy Registrar, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) of the RTI Act, 2005 and section 5(4) read with section 5(5) of the RTI Act, 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]

APPELLATE AUTHORITY RTI ACT
CUSTOMS EXCISE & SERVICE APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi

Date of Hearing: 02.12.2013

Appeal No. 08-112(A)/2013
CPIO ID No. 08-190/2013

Shri R.K. Jain

Appellant

Vs.


Shri Rajender Prasad, CPIO

Respondent

Order.....11/9/2013.....

Heard Shri R.K. Jain, appellant in presence of CPIO Shri
Rajender Prasad and Shri Kripa Shankar, A.R.

2. CPIO should give reply to the appellant within 2 weeks.


(Sahab Singh)
Appellate Authority under the RTI Act

To

1. Shri R.K. Jain, 1512-B Bhishm Pitamah Marg, Wazir Nagar, New Delhi 110003.
2. Shri Rajender Parasad, AO/CPIO

Dy No. 5066/CR-13
6/11/13

08-111(A)/2013

Cono. 08-187/2013

06/11/13

06 NOV 2013

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

Ref. No. : RTI/P-537/(7121/13)/Appeal/5975

Dated : 05-11-2013

SPS to Hon'ble
PAA To

Shri Sahab Singh,
Hon'ble 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 Naresh Kumar, CPIO & Deputy Registrar,
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	02-09-2013	
3.	Details of the order appealed against		
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	1-12-2013	
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time	

252/55/13
21/11/13

7.	Copies of documents relied upon by the applicant	(1) Copy of RTI application dated 2-9-2013 (Annexure-1) (2) Copy of appellate order No. 75/2013 dated 24-10-2013 (Annexure-2) (3) Copy of the appellant's reminder letter dated 31-10-2013 (Annexure-3) (4) Copy of CPIO's order dated 1-11-2013 (Annexure-4)
----	--	--

BRIEF FACTS OF THE CASE

(1) The appellant has filed an application dated 02-09-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide digital data of all pending appeals and applications as on 30-8-2013 with all Benches of the CESTAT indicating appeal / application No., name of parties, date of filing, amount of duty / penalty / interest involved, if any, last date of hearing, if already listed.*
- (B) *Please provide list of remand cases pending as on 30-8-2013 with all Benches of the CESTAT indicating appeal / application No., name of parties, date of remand, authority remanding the matter, amount of duty / penalty / interest involved, if any, last date of hearing, if already listed.*
- (C) *Please provide list of Larger Bench cases and Difference Opinion matters pending as on 30-8-2013 for all the Benches.*
- (D) *Please provide copies of Monthly Statement for institution/disposal and pendency of appeals/applications in the CESTAT, Bench-wise, age-wise and state-wise from July, 2013 till September, 2013.*

Note: The above information is required to be voluntarily disclosed by the CESTAT u/s 4 of the RTI Act. The information disclosed on the

CESTAT website is not updated for a number of years. Hence, this application.

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the CPIO by his impugned order dated 1-11-2013 has not complied with the order of the First Appellate Authority and again provided incomplete 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 learned 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 and 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 digital data for all the pending appeals / applications as on 30-8-2013 despite of the orders of the First Appellate Authority. The CD provided by the CPIO contains the data only for the year 2012 and 2013 while the appellant has sought digital data for all pending appeals / applications as on 31-8-2013. 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 Ld. 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.

- (4) The CPIO has deliberately and malafidely provided incomplete and incorrect information with a view to cause obstruction to the information without any reasonable cause. Hence, he is liable for penal action under section 20 of the RTI Act, but the First Appellate Authority has no powers to take penal action u/s 20 of the RTI Act, hence the appellant reserves his right to file direct complaint to CIC.
- (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 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.
- (7) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

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

- (b) That the order of the CPIO may be set aside and he 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 : 05-11-2013

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

Ref. No. :RTI/P-195/7121/13

Dated : 2-9-2013

To

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

03 SEP 2013

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide digital data of all pending appeals and applications as on 30-8-2013 with all Benches of the CESTAT indicating appeal / application No., name of parties, date of filing, amount of duty / penalty / interest involved, if any, last date of hearing, if already listed.</p> <p>(B) Please provide list of remand cases pending as on 30-8-2013 with all Benches of the CESTAT indicating appeal / application No., name of parties, date of remand, authority remanding the matter, amount of duty / penalty / interest involved, if any, last date of hearing, if already listed.</p> <p>(C) Please provide list of Larger Bench cases and Difference Opinion matters pending as on 30-8-2013 for all the Benches.</p> <p>(D) Please provide copies of Monthly Statement for institution/disposal and pendency of appeals/applications in the CESTAT, Bench-wise, age-wise and state-wise from July, 2013 till September, 2013.</p> <p>Note: The above information is required to be voluntarily disclosed by the CESTAT u/s 4 of the RTI Act. The information disclosed on the CESTAT website is not updated for a number of years. Hence, this application.</p> <p>Note:-Please provide point-wise information/response for each of above points.</p>

Appellate does not process
on the appellate
2012-13
appellate
information 7 years
from 30-8-13 onwards
qual 2 weeks
2/11/13

2 weeks
2 weeks

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 804400 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

BSN/—7121

नरुकेका नन ठाका हस ३पिच। ककु र्माळाय २२०००० पठुठु ठुप दहारुपये १६ ०८। रस वुपटे दश रुयकाणि



डाक महानिदेशक DIRECTOR GENERAL OF POSTS.

PAY TO _____

दस रुपए की रकम THE SUM OF RUPEES TEN ONLY



AT THE POST OFFICE AT

New Delhi GPO

के डाकघर में लया करें।



कमीशन COMMISSION फीस 50 PAISE

सेन्डर अपना नाम और पता यहां लिख दे।

SENDER MAY FILL IN HIS NAME AND ADDRESS HERE.

R. K. JAIN

1512-B, Bhishm Pitamah Marg

Wazir Nagar

New Delhi-110003

इस लाइन के नीचे मत लिखिए DO NOT WRITE BELOW THIS LINE

13F 804400

पुनः प्रयोग न करें

डाक टिकट
POSTAGE STAMPS

पोस्ट मास्टर POSTMASTER

APPELLATE AUTHORITY RTI ACT
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi

Annexure 2

Date of Hearing : 24.10.2013

Appeal No. 08-68(A)/2013
CPIO ID No. 08-187/2013

Shri R.K. Jain

Appellant

Vs.

Shri Rajender Prasad, CPIO

Respondent

Order..75/2013.....

Heard Shri R.K. Jain, appellant in presence of CPIO Shri Rajender Prasad and Shri Kripa Shankar, A.R.

2. Information in respect of (C) and (D) received by the appellant. CPIO is directed to provide the information of (A) and (B) within two weeks to the appellant.


(Sahab Singh)

Appellate Authority under the RTI Act

To

- ✓ 1. Shri R.K. Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003.
2. Shri Rajender Prasad, AO/CPIO

Record file /V-6536

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-195/7121/13/R8017
31-10-2013

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

31 OCT 2013

Sub: My RTI Application No. RTI/7121/13, dated 2/9/2013

Dear Sir,

This refers to the Order No. 75/2013 dated 24-10-2013 of Shri Sahab Singh, Appellate Authority under RTI Act. You are requested to comply with the aforesaid Order and provide the information within two weeks.

Thanking you,

Yours faithfully,



[R.K. Jain]

Copy To:- Shri A. Mohan Kumar
Registrar
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066

Annexure 4

F.No. ^{NK.} 08-187...../CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 1/11/2013

ID No. 08-187/2013

To

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

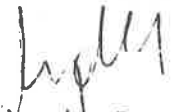
Subject: information under Right to Information Act.2005.

Sir,

Please refer to your RTI application No. 7121/13 dated 24/9/13
and Tribunal's ID No. 08-187/13 the information received from DR (J)
containing 01 + CD(t) pages is endorsed herewith for your reference please.

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

CD - Remitted


(Rajender Prasad)
Accounts Officer/CPIO

V-6587

F.No. 8/2/CESTAT/Comp/06
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
WEST BLOCK-2, R.K.PURAM, NEW DELHI-66

Date 30/10/2013

To

Shri Rajender Prasad
CPIO/AO
CESTAT DELHI

Sir,

With reference to your letter number 08-187/CESTAT/CPIO-ND/NK/2013 dated 29/10/2013 and compliance order passed by Appellate Authority vide number 75/2013 dated 24/10/2013. Though the information has already ~~been~~ provided for point A and again enclosing a CD, whereas for point B not available in this section. CPIO is requested to deliver the information and charge necessary the cost of CD.

Encl: A CD


Dy.Registrar(J)

Hyd
31/10/13

15037 CPIO
01/11/2013

APPELLATE AUTHORITY RTI ACT
CUSTOMS EXCISE & SERVICE APPELLATE TRIBUNAL
West Block No. 2, R.K. Puram, New Delhi

Date of Hearing:02.12.2013

Appeal No. 08-111(A)/2013
CPIO ID No. 08-187/2013

Shri R.K. Jain

Appellant

Vs.

Shri Rajender Prasad, CPIO

Respondent

Order....118/2013.....

Heard Shri R.K. Jain, appellant in presence of CPIO Shri Rajender Prasad and Shri Kripa Shankar, A.R.

2. Appellant does not press the information in respect of Para 'B'. In respect of Para 'A', information for 2012-2013 has been provided to the appellant. Information for Para A irrespective of year of filing but pending on 30.08.2013 or on any other date should be given to the appellant within 2 weeks.

(Sahab Singh)
Appellate Authority under the RTI Act

To

1. Shri R.K. Jain, 1512-B Bhishm Pitamah Marg, Wazir Nagar, New Delhi 110003.
2. Shri Rajender Parasad, AO/CPIO