

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

Ref. No. : RTI/P-537/(6906/13)/Appeal/5745

Dated : 13-07-2013

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 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)	04-07-2013	
3.	Details of the order appealed against	CPIO's letter F.No.08-146/CESTAT/CPIO-ND/NK/2013 dated 11-7-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	11-8-2013	
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 4-7-2013.(Annexure-1) (2) Copy of CPIO's letter dated 11-7-2013.(Annexure-2)	

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BY MO. 3247/CR-13  
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### **BRIEF FACTS OF THE CASE**

- (1) The appellant has filed an application dated 04-07-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
  - (A) *Please provide copies of all the Supreme Court and High Court decisions, judgements, orders, directions degrees and records of proceedings received by the CESTAT Registry at Delhi from 1.4.2013 till 30.6.2013.*
  - (B) *Please also provide copies of the Register/ Records being maintained regarding receipt of all such Orders, judgements, directions and degrees by the CESTAT Registry at Delhi from 1.4.2013 till date of providing 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 11-7-2013 (Annexure-2) has not provided correct and complete 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 (Excise Branch) has asked the appellant to collect the copies from the Record Section without forwarding

or transferred the said RTI application to the Holder of 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.

- (4) That the CPIO and Deemed CPIO of Customs Branch and Single Member Branch have not so far provided any information even though a period of 30 days is already over. Therefore, the order of the CPIO and inaction of the said Deemed CPIOs is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) The CPIO and Deemed CPIOs are deliberately and malafidely not providing complete and correct information with a view to cause obstruction to the information without any reasonable cause. Hence, they are 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 make direct complaint to the CIC
- (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 : 13-07-2013

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

Ref. No. : RTI/P-195/6906/13

Dated : 4-7-2013

To

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

Customs Excise & Service Tax  
Tribunal  
05 JUL 2013  
West Block No.-2, R.K. Puram,  
New Delhi-110066

*By hand*  
*25/7/13*

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 copies of all the Supreme Court and High Court decisions, judgements, orders, directions degrees and records of proceedings received by the CESTAT Registry at Delhi from 1.4.2013 till 30.6.2013.  (B) Please also provide copies of the Register/ Records being maintained regarding receipt of all such Orders, Judgements, directions and degrees by the CESTAT Registry at Delhi from 1.4.2013 till date of providing information.  <b>Note:-Please provide pointwise information/ response for each of above points.</b>
	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 107748 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	

*Reply to para B*  
*is detail of para A, CPIO*  
*of relevant files to the inspection*  
*6/7/13*

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

Place : New Delhi  
Encl. : as above

AP/08/46/CESTAT/CPIO-ND/NIC/2013  
CUSTOMS EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL, WEST BLOCK NO.2,  
R K PURAM, NEW DELHI-110066

Di 11/2/13  
Id No. 08/46/13

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. 6906  
Dt 4-7-13 and our ID No. 08/46/13 the information  
received from AR Excise containing 5 pages  
is endorsed herewith for your reference please.

You are, therefore, requested to please  
acknowledge the receipt and deposit, Rs. 10 (@2 per  
page) to this Tribunal by cash or DD in favour of  
Accounts Officer, CESTAT, New Delhi.



copy to Record Incharge  
Sh. V. S. Singh

(Naresh Kumar)  
Dy. Registrar/CPIO

EXCISE BRANCH

ID No. 08-146/2013

To

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


With reference to your letter No. ID/08-146/2013  
dated dated 05/07/2013.

In reference to required information placed below.

4(A) copy of all the Supreme Court and High Court decisions  
in which any date has already fixed the same has been placed in  
concerned file and remaining dak ( S.No.32-102 dated  
03/04/2013\*27/06/2013)has been sent to record section, the  
same may be collect from record section.

4. (B) copies of the register /records being maintained regarding  
Receipt of all such orders is enclosed herewith.

Encl: 4 Pages.

  
Assistant Registrar  
Excise Branch  
11.07.2013

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11/7/13

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12/6/2007 to 6/6/2008

08/04/17

cc: Dellum

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Maria S. S. S.

Special Leave to Appeal; Supreme Court of India.

6985/2011

Debar  
Condition

11/1/2011  
R. S. S.



25/04/2013	E/3046,3111& 49 3141/2006	Bajaj Hindustan/ CCE,MEERUT	F.A./877-679/2012	HIGH COURT OF ALLAHABAD C.A.817/2012	DISMISSED	RECORD	
26/04/2013	50 E/2713/2011	GILCO STEELS LTD./CCE CHANDIGARH	SO.O.596/2012 DOH 15.05.2013	high court of Punjab & Haryana HIGH COURT OF CHHATTISGARH AT Bilaspur Tax Case 20/2013	WAIVED	PLACED IN FILE	
2/5/2013	51 E/1299/2003	SHALIMAR ISPAT/ CCE RAIPUR	F.O.A/1331/2012	High Court of Allahabad Ref. No 6/2004	dismissed	record	
2/5/2013	52 E/518,519&657/2001	cce Allahabad/ MO/s. govind Mills	F.o.A/551-554/2002	Supreme Court of India/ CIVIL APPEAL NO. 2040-2041/2013	Answer is negative	Record	
3/5/2013	53 E/2164/2010	Alok Parasrampur/ CCE Jaipur	F.o.A/1329/2012	Supreme Court of India/ CIVIL APPEAL NO. 22381/2013	to transmit the entire record.	Leave Granted Mr. K.P.	
3/5/2013	54 E/1516/2005	M/s. Videocon Inds. / CCE Noida	F.o.A/1367/2012	Supreme Court of India/ CIVIL APPEAL NO. 2121-2133/2013	to transmit the entire Appeal record.	Admitted Mr. K.P.	
3/5/2013	E/577,578,619- 621,618/2006 & 2988/07 55 E/1093/2008--- E/1391/2008---- E/1838,1839,2023&2 024/2008	CCE, NEW DELHI/ IOCL.	F.o.A/352-359,380,361- 364/2012	Supreme Court of India/ CIVIL APPEAL NO. 2121-2133/2013	to transmit the entire record.	CONDONED Mr. K.P.	
7/5/2013	56 E/196/2008	iyoti structure lld./ cceRaipur	F.O.A/1311/2012	SUPREME COURT OF INDIA/ CIVIL APPEAL NO. 2538 /2013	DISMISSED RELEVANT PROCEEDING	RECORD	
7/5/2013	57 E/3972/2012 E/3375,Db1866 & 208-209/2000-sm E/217/01,E/3125/04- 58 db	CARRIER AIR CONDITIONING/CCE DELHI -III	SO.O.56907/2013 F.C.24.05.2013 BR & 28/05 BB CIVIL APPEAL NO. 9814,9813,9811,9812& &2010 last no by appeal no:	SUPREME COURT OF INDIA ORDER NO. 4372 SO.COURT CELL D. 10 DATED 27.04.2013	HIGH COURT OF PUNJAB & HARYANS CEA NO.32/2013 F.O.A/2008/2001 A/166/01,A/1228- 1230/00,A/471/01,A/ 562/07	S SHALL NOT BE INITIATED DELHI CONDONED IN SLP NO. 326/2011	PLACED IN FILE APPEALS ALLOED
7/5/2013		CCE CHANDIGARH VS. M/SO. PEPSU STEEL ROLLING MILLS AND ORS.					
8/5/2013	59 E/1803/2012	MO/SO. WINDSOR EXPORTS / CCE, LUDHIANA	CEA NO. 18/2013 DOH 03/08/2013	HIGH COURT OF PUNJAB & HARYANA	DISMISSED	PLACED IN FILE	
8/5/2013	60 E/1208/2011	ULTRATECH CEMENT LTD./ CCE CHANDIGARH	CEA NO. 17/2013 DOH 24.05.2013	HIGH COURT OF PUNJAB & HARYANA	GRANT FOUR WEEK TIME TO DEPOSIT ONE CRORE SUBJECT TO DEPOSIT FOUR CRORE IN 6 WEEKS SUBJECT TO DEPOSIT FOUR CRORE IN 6 WEEKS	PLACED IN FILE /DC	
8/5/2013	61 E/712-713/2010	MSI. KHATEMA FIBRES LTD./CCE MEERUT	CEA NO. 738/ 2012 F.O.A./423-424/2012	HIGH COURT OF ALLAHABAD	DISPOSED		
8/5/2013	62 E/712-713/2010	MSI. KHATEMA FIBRES LTD./CCE MEERUT	CEA NO. 739/ 2012 F.O.A./423-424/2012	HIGH COURT OF ALLAHABAD	DISPOSED		
8/5/2013	63 E/2125-2126/2004	CCE KANPUR/ MO/SO. STANDARD NIWAS	CEA NO. 118/ 2005 F.O.A./08-09/2005	HIGH COURT OF ALLAHABAD	DISMISSED	RECORD	
10/5/2013	64 E/787-788/2012	Bassi steels & ors/cce Chandigarh	CEA NO. 37/2012 SO.O.1078-1079/2012 DOH 18/07/2103	HIGH COURT OF PUNJAB AND HARYANA	DISPOSED	PLACED IN FILE	
5/2013	65 E/3360&3370/2010	SANJAY GUPTA & AGGARWAL STEEL ROLLIN MILLS/CCE CHANDIGARH	CEA NO.24/2013	HIGH COURT OF PUNJAB AND HARYANA	ALLOWED	Mr. K.P.	
5/2013	66 E/3972/2012	CARRIER AIR CONDITIONING/CCE DELHI -III	CEA 32/2103	HIGH COURT OF PUNJAB AND HARYANA	TO MOVE AN APPLICATION FOR EH	BR 24.05.2103	
5/2013	E/3767,3764,3776/2 67 012	MO/SO. CHOPRA, H.L.CHOPRA, JAI SINGH YOGI./CCE LUDHIANA	CEA 33,34,35/2013	HIGH COURT OF PUNJAB AND HARYANA	APPEAL SHALL NOT BE DISMISSED	F.C.27.05.20 13	
5/2013	68 E/3157/2009	SECURITY ENGG. PRODUCT/CCE CHANDIGARH	CEA NO. 12/2013 DOH 25/07/2013	HIGH COURT OF PUNJAB AND HARYANA	ADJ. 20/05/2013	PLACED IN FLIE	
5/2013	69 Not found	CCE,JAMMU VS. EMCO WIRES AND CABLES LTD.	CEA NO.01/2011	LETTER SENT JAMMU HIGH CORT ON 29/05/2013 TO FIND OUT THE APPEAL NO.	HIGH COURT OF JAMMU		
5/2013	70 E/2379/2011	CCE, RAIPUR VS. STEEL AUTHORITY OF INDIA	TAX CASE NO. 68/2012	HIGH COURT OF CHHATTISGARH AT BILASPUR	DISMISSED	RECORD	
2013	71 E/1403/2012	GURU NANAK DEV VS. CCE LUDHIANA	CEA NO.45/2013 DOH 27.05.2013	HIGH COURT OF PUNJAB AND HARYANA	ADJ. 25.07/2013	PLACED IN FILE	

23/05/2013	E/1047,1051&1234/2 72 005	CCE, LUDHIANA VS. HAWKIN COOKERS PVT. LTD	CEA NO. 42/2012 F.O.A/338-343/2012	HIGH COURT OF PUNJAB AND HARYANA	APPEAL FILED BY PARTY ARE ALLOWED REVENUE APPEAL IS REJECTED	RECORD	
24/05/2013	73	APPEAL & ORDER NO. NOT MENTIONED AND NOT FOUND ANY REFERENCE	CCE RAIPR VS. MAIHAR CEMENT	STATEMENT OF CASE CESR NO.16/2001 DATED 16/01/01	THE REFERENCE IS ANSWERED IN FAVOUR OF RESPONDENT AND AGAINST THE APPELLANT HEREIN.	HIGH COURT OF M.P. JABALPUR	RECORD B&ER SINGH
4/05/2013	74	E/787&788/2012	MO/SO. BASSI STEELS LTD. VS. CCE, CHANDIGARH	CEA NO.37/2012 DOH 29/05/2013		HIGH COURT OF PUNJAB AND HARYANA	DISPOSED IN FILE
1/05/2013	75	E/1189-1191/2011	SHIV SHAKTI ENTERPRISE VS. CCE FARIDABAD	CEA NO.09/2013 DOH 15.04.2013		HIGH COURT OF PUNJAB AND HARYANA	DISPOSED IN FILE
1/05/2013	76	E/729/2012	OSCAR REMEDIES VS. CCE PANCHKULA	CEA NO. 48/2012 DOH. 30/04/2013	SET ASIDE THE ORDER DATED 26.09.2012 PASSED BY THE TRIBUNAL AND BACK TO TRIBUNAL.	HIGH COURT OF PUNJAB AND HARYANA	INTRIM ORDER PLACED TO CONTINUE IN FILE TO APPEAR BEFORE TRIBUNAL ON 17.07.2013
05.2013	77	E/848/2011	SURYAPHARMACEUTICALS VS. CCE CHANDIGARH	CEA NO. 2296/2013 DOH 18.04.2013 SO.O.553/2012		HIGH COURT OF PUNJAB AND HARYANA	PLACED IN FILE
15.2013	78	E/848/2012	SURYAPHARMACEUTICALS VS. CCE CHANDIGARH	CEA NO.2321/2013 F.A/38/2012	E/3419/2010 HAS ALREADY DECIDED IN F.O.NO.36/2012 IT SHOULD HAVE SENT TO THE RECORD BUT COULD NOT SETN AS ORDER OF BOTH THE APPEAL IN SINGLE FORWARDING AND PLACE IN E/848/2011	HIGH COURT OF PUNJAB AND HARYANA	INFRACTUOUS IN FILE
5.2013	E/2746,2775&2891- 79 2092/2012	MO/s. Shree Sita Ispat and power Pvt. Ltd., Kailash Agarwal Vs.CCE, Raipur	writ petition No.12/2013 SO.O.1698-1701/2012 doh 29.04.2013			HIGH COURT OF CHHATTISGARH	INFRACTUOUS RECORD
3.2013	80	E/580-581/2006	CCE, Jaipur Vs./Ms. Hindustan Zinc Ltd.	CEA NO.01/2009 Fo.A.443-444/2008		HIGH COURT OF AT BILASPUR AT Bilaspur High Court or Judicature for Rajasthan at Jodhpur	dismissed placed in file
2013	E/6050-6051/2004 & 81 E/3750-3751/2005	CCE, Jaipur Vs. MO/s. Birla Corporation	CEA No.14/2010 F.o.A.854-857/2008			HIGH COURT OF AT BILASPUR High Court or Judicature for Rajasthan at Jodhpur	dismissed Record

*Registered Record books 01-09/2013*

2013	82	E/55733-55734/2013	KOHINOOR BISCUIT LTD.	CEA NO.90/2013 SO. NO.57071-57071/2013 F.C.14.06.2013		MUMBLE HIGH COURT OF JUDICATURE AT ALLAHABAD	ALLOWED	PLACED IN FILE / 14.06.2013
4/6/2013	83	E/1403-1404/2012	Shri Guru Nanak Engg. ,M/s.Gobind Expeller co. Pvt. Ltd. Vs.cce Ludhlana	CEA No.45-46/2013 doh 02/07/2013		HIGH COURT OF PUNJAB AND HARYANA	fixed for 25/07/2013 in high court	placed in file
7/6/2013	84	E/1457/2012	DHARAMPAL SATYAPALVS.CCE,NOIDA	CEA NO.74/2013 SO.O.NO/56744- 56749/2013	DOH 27.06.2013	MUMBLE HIGH COURT OF JUDICATURE AT ALLAHABAD	PARTL ALLWED	PLACED IN FILE
16/2013	E/3767,3764&3776/2 85 012	CHOPRA STEEL STRIP, H.L.CHOPRA& JAI SIDH	CEA 33,34,35/2013.S.O.588 95-56897/2013	DOH 02/07/2013		HIGH COURT OF PUNJAB AND HARYANA SUPREME COURT OF INDIA	ADJ.23.07.2013	PLACED IN FILE
6/2013	86	e/358-357/2009	MO/SO. RITZY POLYMERS VS. CCE JAMMU	CIVIL APPEAL NO.4231-4322/2013 F.O.A/1111-1112/2012	TO TRANSMIT THE ENTIRE ORIGINAL RECORD TO THE SUPREME COURT	D.NO.7356/2013 DATED 13.05.2013 SUPREME COURT OF INDIA	ADMITTED	Mr. K.P.
12/2013	87	E/2422-2449/2008	BBF INDS. VS. CCE JAMMU	CIVIL APPEAL NO.4292-4293/2013 F.O.A/1038-1065/2012	TO TRANSMIT THE ENTIRE ORIGINAL RECORD TO THE SUPREME COURT	D.NO.7356/2013 DATED 13.05.2013 SUPREME COURT OF INDIA	ADMITTED	Mr. K.P.
12/2013	88	E/2400-2402/2009	BBF INDS. VS. CCE JAMMU	CIVIL APPEAL NO.4323-4325/2013 F.O.A/1164-1166/2012	TO TRANSMIT THE ENTIRE ORIGINAL RECORD TO THE SUPREME COURT	D.NO.7356/2013 DATED 13.05.2013 SUPREME COURT OF INDIA	ADMITTED	Mr. K.P.
21/2013	89	E/467/2001	CCE ALLAHABAD VS. J.R.ORGANICS	CIVIL APPEAL NO 8502/2009 F.O.A/491/2009	TO TRANSMIT THE ENTIRE ORIGINAL RECORD TO THE SUPREME COURT	D NO 5771/2009 DATED 15.05.2013 SUPREME COURT OF INDIA	ADMITTED	Mr. K.P.
1/2013	90	E/764-766/2009	R.B.JODHAMAL & CO VS. CCE, JAMMU	CIVIL APPEAL NO 3981-3983/2013 F.O.A/1175-1177/2012	TO TRANSMIT THE ENTIRE ORIGINAL RECORD TO THE SUPREME COURT	D.NO1957/2013 DATED 16.05.2013	ADMITTED	Mr. K.P.
1/2013	Ee/828-831/2012 91 e/794-795/2012	E/828-831/2012 & E/794-795/2012 HERO MOTORCORP. LTD/CCE DELHI-III	CEA 19/2003 F.o.a/867 672/2012	SEE DETAIL ORDER IN CEA NO.52/2012		HIGH COURT OF PUNJAB AND HARYANA	DISMISSED	RECORD
1/2013	92	E/2976/2011	CCE DELHI-III VS./MO/SO. HONDA MOTORCYCLE	CEA NO.52/2012 F.O.A/469/2012		HIGH COURT OF PUNJAB AND HARYANA	DISMISSED	RECORD
93	E/3494/2012	FRIND AUTO INDUSTRIES VS. CCE DELHI	CEA NO. 55/2013.S.O.57191/201 3 doh131/07/2013	APPEAL OF THE APPELLANT SHALL NOT BE DISMISSED		HIGH COURT OF PUNJAB AND HARYANA	ARGUED ON 08.08.2013	PLACE IN FILE

3/2013	✓ 84 E/2617-2618/2010	SUDARSHAN STEEL RE-ROLLING MILLS VS CCE, LUOHIANA	CEA NO. 18/2013	FIX FOR HEARING ON 12/08/2013 BEFORE HIGH COURT	HIGH COURT OF PUNJAB AND HARYANA	WRIT PETITION ALON WITH PAPER	RECORD
1/2013	✓ 95 E/1702/2005	VEE GEE PRODUCTS LTD. /CCE DELHI	CEA NO.27/2011 F.O.A/552-554/2010		HIGH COURT OF PUNJAB AND HARYANA	DISMISSED	RECORD
2/2013	96 E/55604/2013	AKASH ISPAAT LTD/CCE RAIPUR	TAX CASE NO. 22/2013 S.O.O.57016/2013	DOH 10/07/2013	HIGH COURT OF CHHATTISGARH AT BILASPUR	DISMISS	PLACED IN FILE
2013	E/57309/2013E/5705 97 5-57057/2013	KAMDHENU & GEE	CEA NO. 8873/2013	DOH 24/06/2013	HIGH COURT OF RAJASTHAN AT JAIPUR	LIST BEFORE TRIBUNAL	PLACED IN FILE
2013	✓ 98 E/1304-1143/2005	KARAM MACHINE TOOLS VS. CCE CHANDIGARH	CIVIL APPEAL NOS. 4720-4721/2013 F O A/444-445/2011	SUPREME COURT OF INDIA D. NO 2622/2013/SEC DATED 30/05/2013		DISMISSED	RECORD
2013	E/55791/2013 & 99 E/55793/2013	D.c.steel & addi alloys pvt. Ltd.	CEA 67-68/2013 SO 57732-57733/2013	doh 26/06/2013 FOR COMPLIANCE	HIGH COURT OF PUNJAB AND HARYANA	HEARING with paper on 26/06/2013	PLACED IN FILE
013	E/55791/2013 & 100 E/55793/2013	D.c.steel & addi alloys pvt. Ltd.	CEA 67-68/2013 SO 57732-57733/2013	doh 26/08/2013 FOR COMPLIANCE	HIGH COURT OF PUNJAB AND HARYANA	notice with paper on 26/06/2013	PLACED IN FILE
013	101 E/55349/2013	BHARAT OMAN REFINERIES LTD. /CCE BHOAL	WT NO.9755/2013	DOH 12/06/2013	HIGH COURT OF MADHYAPRADESH AT JABALPUR	WITHDRAWN/ DISPOSED	PLACED IN FILE
7/06/13 113	✓ e/196/2006&e/1818/102 2006	CCE, Raipurvs/Ms. Jyoti structure ltd. & MO/s. transmission corporation of andhra Pradesh Ltd.	Tax Case No. 25 & 26/2013	F.O.A/1311-1312/2012	HIGH COURT OF CHHATTISGARH AT BILASPUR	dismissed	Record

13 E/51 55641-42/13  
E/55663-64/13

Taneja Iron and Steel Co. Ltd. vs CCE, Ludhiana

WT NO 6659/13

High court of Jeeva/Raipur dated 11-7-13 at Ludhiana

DOH 26/06/2013 16 P.

7/13 Majestic Inds. Ltd vs CCE

CIOP No. 3753/13

15-7-13 for hearing.

3 E/2176/07 Ispat Profiles vs CCE Chandigarh

CIOP 4988/13 and 04

4 E/1792/07 Dan Aurborg Profiles vs CCE Chandigarh

CIOP 4989/13 and 05

5 E/522/07 PML Inds. Ltd

CIOP No 877/13 and 05

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

Date of Hearing : 6.8.2013

Appeal No. 08-41(A)/2013  
CPIO ID No. 08-146/2013

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order.....49/2013.....

Heard Shri R.K. Jain - appellant in presence of Shri Naresh Kumar,  
CPIO.

2. Reply to para 'B' already stands replied. In respect of para 'A', CPIO  
is directed to allow the inspection of relevant files to the appellant.

  
(Sahab Singh)

Appellate Authority under the RTI Act

To

Shri Naresh Kumar, Deputy Registrar/CPIO, CESTAT, New Delhi

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

  
ISSUED ON 14/8/13  
SIGNATURE 

Nb. 08-42(A)/2013

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

Ref. No. :RTI/P-537/(4649/12)/Appeal/5733

Dated : 06-07-2013

SPS to  
Mouha FAA

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

Customs Excise & Service Tax  
Appellate Tribunal  
08 JUL 2013  
West Block No.-2, R.K. Puram,  
New Delhi-110066

4/5/5/13  
8

**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 :**

SPS  
27/2/2013

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	(1) Shri Naresh Kumar CPIO & Deputy Registrar (2) Shri Mukesh Gupta, Deemed CPIO & Assistant Registrar (Admn.)
		(b) Address	CESTAT, West Block 2 R.K.Puram New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	24-12-2012	
3.	Details of the order appealed against	CPIO's letter F.No.08-03/CESTAT/CPIO-ND/NK/2013 dated 4-7-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	4-8-2013	
6.	Appeal, if in time.	Yes	
7.	Copies of documents relied upon by the applicant	(1) Copy of RTI application dated 24-12-2012.(Annexure-1) (2) Copy of CPIO's letter dated 7-1-2013 transferring the application (Annexure-2) (3) Copy of CPIO's letter dated 6-2-2013	

178/55/13  
13/8/13

		<p><b>(Annexure-3)</b> (4) Copy of CPIO's letter dated 6-2-2013 <b>(Annexure-4)</b> (5) Copy of appellant's letter dated 9-2-2013 <b>(Annexure-5)</b> (6) Copy of appellant's letter dated 9-5-2013 <b>(Annexure-6)</b> (7) Copy of CPIO's letter dated 4-7-2013. <b>(Annexure-7)</b></p>
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### BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 24-12-2012 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide date-wise details of the action on my letter No. 0/R4321 dated 30-10-2012 and letter No. RTI/P-195/13/08/R4415 dated 7-11-2012(copy enclosed)*
- (B) *Please provide copies of all the responses received to the Memo referred to in letter F.No. 26(17)/CESTAT/CPIO/ND/RTI-Admn. 11 dated 23-10-2012 and copies of all correspondence and note sheets.*
- (C) *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 (B) above. Please provide inspection of complete file(s) even if they contain part of 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 7-1-2013 (**Annexure-2**) transferred the RTI application to the Asstt. Registrar (Admn.). The said Deemed CPIO and Asstt. Registrar (Admn.) by his note dated 5-2-2013 (**Annexure-3**) declined the information stating that it was not available in

Admn. Section. The same Deemed CPIO by his Note dated 6-2-2013 (**Annexure-4**) under a different RTI ID but for the same RTI application stated that the information in question had already been provided and inspection can be undertaken on any convenient date. The appellant by his letter dated 9-2-2013 (**Annexure-5**) brought this contradictory replies of the Deemed CPIOs and requested for intimating the number of pages for paying the copying fees, but when no response was received for nearly 3 months, the appellant sent a reminder dated 9-5-2013 (**Annexure-6**). The CPIO by his order dated 4-7-2013 (**Annexure-7**) forwarded a note dated 4-7-2013 of the Deemed CPIO again denying the availability of 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 initially did not provide any point-wise response to the RTI application of the appellant, but merely denied the availability of information in the Admn. Section. The appellant has not sought information from the Admn. Section, therefore the CPIO and the Deemed CPIO should have forwarded the RTI application to the Holder of 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.
- (4) That the CPIO and the Deemed CPIO deliberately and malafidely provided contradictory response by their letters dated 6-2-2013 and have not so far responded to the letters dated 9-2-2013 and 9-5-2013 of the

appellant. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question.

- (5) That the CPIO and deemed CPIO are deliberately, malafidely and persistently suppressing the information in question without any reasonable cause with malafide intent and purpose to protect their colleague. The appellant in point (A) of the RTI application has given his letter Nos. and dates and even enclosed the copies of two duly acknowledged letters from the CESTAT, in relation to which the information was sought but still the CPIO and deemed CPIO have malafidely denied existence of 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 and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question
- (6) That the CPIO and deemed CPIO are deliberately, malafidely and persistently suppressing the information in question without any reasonable cause with malafide intent and purpose to protect their colleague. The appellant in point (B) of the RTI application has given the CESTAT file No. and also the date of the letter in relation to which the information was sought by the appellant, but still the CPIO and deemed CPIO have malafidely denied existence of 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 and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question
- (7) That the CPIO and deemed CPIO are deliberately, malafidely and



persistently suppressing the information in question without any reasonable cause with malafide intent and purpose to protect their colleague. The appellant in point (C) of the RTI application has sought inspection of the records for the information specified in point (A) and (B) of the application. The CPIO has offered the inspection of records, which goes to show that he is holding the information. The CPIO is taking contradictory stands to delay and deny the information without any reasonable cause rather with malafide intent and purpose. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question

- (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 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.
- (11) 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) The CPIO has deliberately and malafidely provided incomplete and incorrect information with a view to cause obstruction to the information

without any reasonable cause, therefore, he is also 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 a direct complaint to the CIC u/s 18 of the RTI Act..

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

(13) 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 : 06-07-2013

Annexure - D

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

Ref. No. : RTI/P-195/4649/12  
Dated : 24-12-2012

Stamp: 24 DEC 2012  
Signature: [Handwritten]

To

Shri Kripa Shanker  
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	(A) Please provide date-wise details of the action on my letter No. 0/R4321 dated 30-10-2012 and letter No. RTI/P-195/13/08/R4415 dated 7-11-2012(copy enclosed) (B) Please provide copies of all the responses received to the Memo referred to in letter F.No. 26(17)/CESTAT/CPIO/ND/RTI-Admn. 11 dated 23-10-2012 and copies of all correspondence and note sheets. (C) 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 (B) above. Please provide inspection of complete file(s) even if they contain part of the information.
	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.	
6.	A Postal Order No. 08F 730084 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to fill in the name in which the Postal Order is payable.	

*Handwritten notes:*  
CPIO directed to provide info in folder to provide A, B, C notes to the appellate.  
L.R.M.

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

Place : New Delhi  
Encl. : as above

11/12/12  
hs

**Custom, Excise and Service Tax Appellant Tribunal,  
West Block NO 2 R.K.Puram, New Delhi – 110 066**


Dated : 07 Jan 2013  
ID No. 08/03/2013

Subject : Information Sought under RTI Act 2005.

Sir,

Please refer to Sh/Smt. R.K.Jain Application under RTI Act 2005 vide no RTI/P-195-4649/12 dated 24-12/12 ( Copy Enclosed) wherein certain information are sought as mentioned therein is related to your section.

Therefore, in terms of the provision of Section 5 (4) read with Section 5(5) of RTI Act 2005 the RTI application No RTI/P-195-4649/12 dated 24-12/12 is forwarded herewith to the following officers with the request to provide the information/inspection on or before 21/1/13 so as to enable the under signed to forward the information to the applicant within stipulated period.

  
( Kripa Shankar )  
Asst. Registrar/CPIO

Encls : As Above.

1. Admn Section

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

Copy to :

Case Section : Postal order bearing no 730084 for Rs 10 ( Rupees Ten ) is sent herewith for your further action at you end please.

Sh R.K Jain

1215, Bhishma Pitamaha Marg  
Wazir Nagar  
New Delhi - 110 003

: for information please.

Annexure 3

F.No. 08-03/CESTAT/CPIO/ND/KS/2013  
Customs Excise & Service Tax Appellate Tribunal  
West Block-2, R.K. Puram  
New Delhi-66

To,

Dated: 06/02/2013  
ID No. 08-03/2013

Sh. R.K.Jain,  
1512-B, Bhishm Pitamah marg  
Wazir Nagar  
New Delhi-110003

Sir,

Please refer to your R.T.I application no. RTI/P-195/4649/2013 dated 07/01/2013 regarding supply of information as mentioned therein.

The information received from the concerned section (i.e From Sh. Mukesh Gupta, A.R Admn) is enclosed herewith for your reference please.

Kindly acknowledge the receipt of the information.

Enclose: As above

  
(Kripa Shankar)  
Asst. Registrar/CPIO

F.No. 33(114)/ RTI/Misc/CESTAT/Admn-2013  
Customs Excise & Service Tax Appellate Tribunal  
West Block-2, R.K. Puram  
New Delhi-66

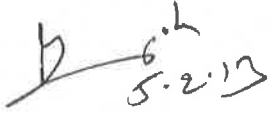
Dated :05/02/2013

Sub : Information sought under RTI Act 2005-reg.  
(Reference : CPIO ID No 08-03/2013)

Sir,

Kindly refer to CPIO letter No. 08-03/CESTAT/CPIO-ND/KS/2013 dated 07/01/2013 and Shri. R.K. Jain RTI application No. RTI/P-195/4649/12 dated 24/12/2013 (CPIO ID No. 08-03), It is stated that as per available records the requisite information is not available in Admn Section.

This is for information.

  
(Mukesh Gupta)  
Assistant Registrar(Admn)

To,

1. Shri. Kripa Shankar. Asstt. Registrar/CPIO, New Delhi.

Annex 4

F.No. 08-16/CESTAT/CPIO/ND/KS/2013  
Customs Excise & Service Tax Appellate Tribunal  
West Block-2, R.K. Puram  
New Delhi-66

To,

Dated: 06/02/2013  
ID No. 08-16/2013

Sh. R.K.Jain,  
1512-B, Bhishm Pitamah marg  
Wazir Nagar  
New Delhi-110003

Sir,

Please refer to your R.T.I application no. RTI/P-195/4649/2013 dated 07/01/2013 regarding supply of information as mentioned therein.

The information received from the concerned section (i.e From Sh. Mukesh Gupta, A.R Admn) is enclosed herewith for your reference please.

The records relating to information for point 'E' may be inspected by the applicant during the office hours on 12/02/2013 in Administration Section, CESTAT, Delhi.

Kindly acknowledge the receipt of the information.

Enclose: As above

  
(Kripa Shankar)  
Asst. Registrar/CPIO

Copy to:-

- i) Shri Mukesh Gupta, Assistant Registrar (Admn) CESTAT New Delhi with the request to provide inspection of available records to the applicant on the above mentioned date.

F.No. 33(109)/RTI/Misc./CESTAT-ND/Admn.2013  
Customs Excise & Service Tax Appellate Tribunal  
West Block No. 2, R.K. Puram, New Delhi - 66

Dated : 06/02/2013  
I.D. No. 08-16/13

Sub : Information sought under Right to Information Act, 2005 - reg.

Sir,

With reference to RTI application filed by Shri R.K. Jain in CPIO I.D. No. 08-16/2013, the parawise reply to the RTI in respect of Administration section, is as under :

(A)to (D) Information already provided vide RTI I.D. No. 08-15/2013.


(E) CPIO may give any convenient date for inspection of available records in respect of points E.

Yours faithfully

  
(Mukesh Gupta)  
Asstt. Registrar

To

1. Shri Kripa Shankar, Asstt. Registrar/ CPIO, CESTAT, New Delhi

  
6/2/13



**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

876  
Annew 5

1512-B, Bhisim Pitamah Marg,  
Opp. ICICI Bank of Defence Colony,  
**NEW DELHI - 110 003.**  
PHONE : 24651101  
MOBILE : 9810077977

RTI/P-195/4649/12/R5236  
09-02-2013

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

11 FEB 2013  


**Sub: My RTI Application No. RTI/4649/12, dated 24/12/12**

Dear Sir,

In relation to my RTI application No.4649, I am in receipt of two responses from you under two different Ids (under ID No.08-3 & 08-16). The copies of both the replies are enclosed herewith for looking into the matter.

In your letter No.08-16/CESTAT/CPIO/ND/K.S./2013 dated 06-02-2013, please note that I have not so far been provided with copy of the replies given to the Memos issued as sought in my RTI application. The information earlier provided was in relation to the other files. Anyway you are requested to provide the information now sought under the present application and intimate me the amount of copying fees payable.

As regards to the inspection fixed for 12-02-2012, I shall be undertaking inspection only after the receipt of the information as already requested in my letter.

Thanking you,

Yours faithfully,



[R.K. Jain]

0/c  
Annex 6

**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-195/4649/12/R6042  
09-05-2013

Shri ~~Kripa Shanker~~ *Naseh Kumar*  
Deputy  
CPIO & Assistant Registrar,  
Customs Excise & Service Tax Appellate Tribunal,  
West Block 2, R.K.Puram,  
New Delhi - 110066



**Sub: My RTI Application No. RTI/4649/12, dated 24/12/2012**

Dear Sir,

This is further to my letter No. RTI/P-195/4649/12/R5236, dated 09-02-2013, copy of which is enclosed herewith for your ready reference. I regret to inform that so far I have neither received any information nor any response inspite of my repeated reminders. You are once again requested to provide the requisite information at the earliest, as under section 7 of the RTI Act, the information is to be provided within 30 days of the RTI application and the said period of 30 days has already expired.

In case you are not willing to provide the information in question, kindly pass an appealable order, otherwise I shall be constrained to file an appeal/complaint in the matter.

Thanking you,

Yours faithfully,

[R.K. Jain]

Encl: As above

etc

**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, Bhisam Pitamah Marg,  
Opp. ICICI Bank of Defence Colony,

**NEW DELHI - 110 003.**

PHONE : 24651101

MOBILE : 9810077977

RTI/P-195/4649/12/R5236

09-02-2013

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

11 FEB 2013

Puram,

Sub: My RTI Application No. RTI/4649/12, dated 24/12/12

Dear Sir,

In relation to my RTI application No.4649, I am in receipt of two responses from you under two different Ids (under ID No.08-3 & 08-16). The copies of both the replies are enclosed herewith for looking into the matter.

In your letter No.08-16/CESTAT/CPIO/ND/K.S./2013 dated 06-02-2013, please note that I have not so far been provided with copy of the replies given to the Memos issued as sought in my RTI application. The information earlier provided was in relation to the other files. Anyway you are requested to provide the information now sought under the present application and intimate me the amount of copying fees payable.

As regards to the inspection fixed for 12-02-2012, I shall be undertaking inspection only after the receipt of the information as already requested in my letter.

Thanking you,

Yours faithfully,



[R.K. Jain]

Annexure - 27

R/No. 08-03 / CESTAT / CPIO-ND / NIC / 2013  
CUSTOMS EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL, WEST BLOCK NO. 2,  
R.K. PURAM, NEW DELHI: 110066.

Dt 04-7-13  
Id No. 08-03/13

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. 4649  
Dt 24/2/13 and our ID No. 803 the information  
received from AR Administration 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

**F.No.33(114)/RTI/Misc/CESTAT/ND/Adman-13**  
**Customs Excise & Service Tax Appellate Tribunal**  
**West Block-2, R.K. Puram , New Delhi-66**

Dated : 04/07/2013

Sub Information sought under RTI Act 2005-reg.

Sir,

Kindly refer to CPIO letter No. 08-03/CESTAT/CPIO-ND/NS/2013 dated 13/05/2013, Shri. R.K. Jain R.T.I. application No.RTI/P-195/4649/12/R6042 dated 09/05/2013, the requisite information is as under:-

*Para 4 A Not available in admn section.*

Para 4 (B) It is hereby informed that reply/response of memo referred in the letter F.No. 26(17)/CESTAT/CPIO/ND/RTI/Admn-11 dated 23.10.2012 are not available in Admn Section, CESTAT

Para 4(C) CPIO may give any date for inspection of the files.

*you can inspect any day from 08-11-13 to 12-11-13.*

*04/11/13  
CPIO*

*b*  
*h*  
*4.7.13*  
(Mukesh Gupta)  
Assistant Registrar(Admn)

To,

1. Shri. Naresh Kumar, Dy. Registrar/CPIO, New Delhi.

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

Date of Hearing : 6.8.2013

Appeal No. 08-42(A)/2013  
CPIO ID No. 08-3/2013

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order.....50/2013.....

Heard Shri R.K. Jain - appellant in presence of Shri Naresh Kumar,  
CPIO.

2. CPIO is directed to provide the information sought for in para (A), (B) and (C) to the appellant within three weeks.

  
(Sahab Singh)

Appellate Authority under the RTI Act

To

  
1. Shri Naresh Kumar, Deputy Registrar/CPIO, CESTAT, New Delhi

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



No. 08-43(A)/2013

28/13

1

BY NO. 3432/C12-13  
22/7/13

To,  
The Hon'ble 1<sup>st</sup> Appellate Authority  
Under Right to Information Act,  
CESTAT  
New Delhi – 110066.

Customs Excise & Service Tax  
Appellate Tribunal  
22 JUL 2013  
West Block No.-2, R.K. Puram,  
New Delhi-110066

GP  
22/07  
22/7/13

SOS to  
Hon'ble  
AAA

**Sub.: Filing of Appeal under section 19 of the  
Right to Information Act, 2005.**

Sir,

The Appellant had filed an application for providing the following information with the C.P.I.O., CESTAT, New Delhi – 110066, under Right to Information Act on 22/05/2013:-

1/5/13  
8/8

Please provide the copies of covering letters signed by the Assistant Registrars for sending the original records to Hon'ble Supreme Court of India or to Hon'ble High Courts for the period starting from 2003 till the date of providing of information all benches of CESTAT.

The Appellant had declared that the information sought did not fall within the restrictions contained in section 8 and 9 of the Act and to the best of my knowledge it pertains to your office.

The Appellant had declared that he is citizen of India, and was eligible to seek the information.

A Postal Order No. 08F 763409 dated 17/04/2013 for Rs. 10-00 was also sent as fee prescribed under Right to Information Act, 2005. Copy of the RTI Application is produced herewith and marked as **Annexure – A1.**

The Learned CPIO has sought the help from the information holders under section 5(4) read with section 5(5) of the Right to information Act. The Application ID allotted is 08-120/2013 dated 22/05/2013 by the CPIO, CESTAT, New Delhi.

The information holders CESTAT, Kolkata, New Delhi and Ahmedabad have provided the information sought by the appellant herein vide their dated 04/04/2013 (typing error it may be 04/06/2013),

*[Signature]*

18/5/13  
13/8/13

26/06/2013 and 02/07/2013 respectively. Copies of the covering letter for providing information are produced herewith and marked as **Annexure – A2 (Colly)**.

But the information holder/CPIO, CESTAT, Mumbai has neither given any reply to the appellant nor he has provided the information sought. Therefore it is deemed refusal.

The information holder/CPIO at CESTAT, Chennai with malafide intention and to obstruct the information has denied to give the information but he has offered an inspection. When he is offering the inspection therefore the information is very well available in the office. Copy of the orders dated 03/06/2013 and 04/07/2013 passed by the information holder Mr. K.S. Ramesh is produced herewith and marked as **Annexure – A3 Colly**. The appellate authority as suggested by the information holder is also wrong, because the CPIO, CESTAT, New Delhi had sought assistance under section 5(4) and 5(5) of the Act, therefore Mr. Ramesh had exceeded his jurisdiction to decide the RTI application on merit. He could decide it on merit only when the application would have been filed before him or if the same would have been transferred to him under section 6(3) of the Act. The inspection will not serve the purpose of the appellant. The information shall be presented before Hon'ble Central Administrative Tribunal, New Delhi for contesting the case of upgradation of pay scale of the Assistant Registrar and its superior officers. The malafide of the information can be seen that the said order dated 03/06/2013 was sent on wrong address. A copy of the envelop is produced herewith and marked as **Annexure – A4**.

The same stand has been taken by the information holder/CPIO at CESTAT, Bangalore with malafide intention and to obstruct the information and he has also denied to give the information taking the same grounds and also offered an inspection. When he is offering the inspection therefore the information is very well available in the office. Copy of the order dated 04/06/2013 passed by the information holder Mr. Bineesh Kumar K.S. is produced herewith and marked as **Annexure – A5**. The appellate authority as suggested by the information holder is also wrong, because the CPIO, CESTAT, New Delhi had sought assistance under section 5(4) and 5(5) of the Act, therefore Mr. Binnesh Kumar K.S. had exceeded his jurisdiction to decide the RTI application on merit. He





could decide it on merit only when the application would have been filed before him or if the same would have been transferred to him under section 6(3) of the Act. The inspection will not serve the purpose of the appellant. The information shall be presented before Hon'ble Central Administrative Tribunal, New Delhi for contesting the case of upgradation of pay scale of the Assistant Registrar and its superior officers.

The information holders at Mumbai, Chennai and Bangalore illegally, malafidely and persistently are denying the information to prevent the appellant to file the said documents before Hon'ble Central Administrative Tribunal, New Delhi, which is contrary to the Section 6(2) and 7 of the RTI Act.

That because of the respective responses received by the appellant and due to non communication from the Mumbai bench, the appeal is filed with in the prescribed time limit under RTI Act.

**Prayer**

Under the circumstances, the Appellant prays as under:-

- (a) that the original records to be summoned from the CPIO, CESTAT, New Delhi and;
- (b) that the information holders at CESTAT, Mumbai, Chennai and Bangalore may kindly be directed to provide the information to the Appellant immediately and free of cost and;
- (c) that any other relief as the Appellate Authority deem fit and proper in the favor of the Appellant and;
- (d) An opportunity of personal hearing may kindly be granted to the Appellant before deciding the appeal.



(S.K. Verma)  
Appellant

B-372, Swarn Jayanti Puram,  
Ghaziabad – 201002.  
Phn. No. 9911127800.

Place: New Delhi  
Date: 22/07/2013.

UNDER THE RIGHT TO INFORMATION ACT-2005

Annexure - A1

Application ID No. : \_\_\_\_\_  
(For official use)

(4)

To  
The Central Public Information Officer  
CESTAT, NEW DELHI.



1. Name of the Applicant : S.K. VERMA  
2. Address : B-372, SWARN JAYANTI PURAM,  
GHAZIABAD - 201002.

3. Particulars of information  
(a) Concerned Office/Department : CUSTOMS, EXCISE & SERVICE TAX  
APPELLATE TRIBUNAL, DELHI,  
AHMEDABAD, BANGALORE, KOLKATA,  
CHENNAI, MUMBAI.

(b) Particulars of information required :  
Please provide the copies of covering letters signed by the Assistant Registrars for sending the original records to the Hon'ble Supreme Court of India or to Hon'ble High Courts for the period starting from 2003 till the date of providing of information all benches of CESTAT.

4. Format in which information is required : As prescribed by the rules.

5. Mode of delivery expected (ordinary post, speed post, by courier, by hand, through internet or e-mail, by fax etc.). Additional fee may be charged to cover the cost of delivery. : As prescribed by the rules preferably by speed post/fax.

6. The information can be furnished, the information sought for does not concern my life and liberty, **therefore, the information may be furnished to me within 1 month.**

7. Without prejudice to my rights under the RTI Act 2005, to facilitate faster retrieval of information, I would like to state that the information could be available in CESTAT, New Delhi.

Applis from Delhi, Kal, Aknada

5

8. I state that the information sought does not fall within the restrictions contained in section 8 and 9 of the Act and to the best of my knowledge it pertains to your office.

9. I also state that I am a citizen of India and I am eligible to seek information under the Right to Information Act 2005.

10. A Postal Order No. 08F-763409 dated 17/04/2013 for Rs. 10-00 is enclosed for fee prescribed under Right to Information Act, 2005.

Place: GHAZIABAD.

Date : 22/05/2013.



(Name & Signature)

S.K. Verma

Postal Address: B-372, SWARN JAYANTI  
PURAM, GHAZIABAD. - 201002.

E-mail address: vermask2001@hotmail.com

9911127800

Annexure - A2-colly

(6)

CUSTOMS, EXCISE & SERVICE TAX . APPELLATE TRIBUNAL, EZB  
169, A.J.C.BOSE ROAD, BAMBOO VILLA 7<sup>th</sup> FLOOR,KOLKATA - 14.

F.NO. 3/AR/RTI/2013

DT. 04-04-13

To  
Mr. S.K.Verma  
B-372,Swarn Jayanti Puram.  
Ghaziabad-201002

Sir,

Sub ; - Your R.T.I dt. 22-05-2013.I.D.No. 08-120/2013.

Please refer to your above mentioned letter . The information as asked for is enclosed herewith.. Please pay necessary fees as per rule.

Yours faithfully

Encl ;45( Forty-five ) pages

  
( T.K.SARKAR )  
CPIO/ Dy. REGISTRAR

Copy to :- Dy. Registrar/CPIO  
CESTAT,New Delhi

(7)

**CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL.**  
O-20, N.M.H. COMPOUND, MEGHANI NAGAR,  
AHMEDABAD-380016  
Telephone No. 079-22683202, Fax No. 22683276

(327)

I.D.No. 09-21/2013  
Dated: 2.07.2013

To.  
Shri S. K. Verma,  
B-372, Swarn  
Jayanti Puram,  
Ghaziabad-201002.

Sir.

**Sub : Information required under RTI Act, 2005-reg.**

Kindly refer to your RTI application No. Nil dated 22.05.2013 (transferred by Deputy Registrar/CPIO.CESTAT, New Delhi vide ID No. 08-120/2013 dated 04.06.2013, received on 10.06.2013), wherein the applicant has sought information as mentioned therein. The available information in material form has been received from the holder of information i.e. Records Section and the same is forwarded herewith as under:

Point 3(B) - Enclosed herewith copies of covering letters signed by Deputy Registrar/Assistant Registrar, CESTAT, Ahmedabad for sending the original records to the Hon'ble Supreme Court/High Court w.e.f.11.10.2006 to 28.06.2013 consisting of 118 pages.

It is also requested to kindly deposit requisite fee of Rs. 236/- (Two Hundred Thirty Six only) for 118 pages. @ Rs. 2/- per page as per the RTI Rules.

If aggrieved, you may file appeal before Shri H. K. Thakur, Member (Technical), First Appellate Authority, CESTAT, Ahmedabad.

Encl: As above

  
Mohinder Singh  
Deputy Registrar/CPIO

Copy to:

Deputy Registrar/CPIO,  
CESTAT,  
West Block No. II,

R K Puram, New Delhi-110066--- w.r.t. ID No. 08-120/2013 dated 22.05.13, 17.06.13,  
04.06.13 & 29.05.13 kind information please.

935 DR(S) 05/07/13

By Speed Post

8

CUSTOMS, EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL

South Zonal Bench, Shastri Bhavan Annexe I Floor  
No.26, Haddows Road, Chennai-600006

RTI Sl.No.19/2013

Date: 03/06/2013

To

✓ Shri S.K.Verma  
B-327, Swarn Jayanthipuram  
Ghaziabad-201002

Sir,



With reference to your RTI application no. nil, dated 22/05/2013, filed with the CPIO, CESTAT, New Delhi, the undersigned has rejected the request for copies of covering letters signed by the Assistant Registrar for sending the original records to the Hon'ble Supreme Court of India or to Hon'ble High Courts for the period from 2003 to till date for the following reasons:-

*The copies sought are voluminous running into several pages and the man-power of this office is too short to collate the materials. The RTI applicant, while himself serving as the CPIO in CESTAT, Bangalore has observed in his reply to an RTI application No.RTI/09/821 (ID-047/2009) that CESTAT is functioning with minimal number of staff. Further, the Hon'ble CIC in the appeal has also limited the scope of queries to 15 months.*

*c) The applicant himself is an officer of the department, while serving as CPIO at CESTAT, New Delhi in 2011 has rejected almost 90 applications of Shri R.K. Jain of New Delhi by a common Order citing minimal strength of staff. Further, he has also opined that applications/reminders for voluminous RTI information adversely affect the normal working of the office, particularly, judicial work of this Tribunal. For the same, he has also brought to light the orders of the Hon'ble CIC on misuse of RTI Act, which would also bind the present RTI-applicant.*

Yours faithfully,

K.S. Ramesh  
(K.S.Ramesh)

SPS/AR-In-Charge/CPIO

Tel: 044-28252306

**Note:** If the applicant is aggrieved by the information provided, he may appeal to the Hon'ble Mathew John, Technical Member, 1st Appellate Authority, CESTAT, Shastri Bhavan Annexe, 1<sup>st</sup> Floor, 26, Haddows Road, Chennai-600006 within 30 days.

copy to: The Assistant Registrar, Customs, Excise & Service Tax Appellate Tribunal, Chennai-6  
Date: 03/06/2013

By Speed Post

9

**CUSTOMS, EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL**

**South Zonal Bench, Shastri Bhavan Annexe I Floor  
No.26, Haddows Road, Chennai-600006**

RTI Sl.No.19/2013

Date: 04/07/2013

To

Shri S.K.Verma  
B-372 Swarn Jayanthipuram  
Ghaziabad-201002

Sir,

With reference to your RTI application no. nil dated 22/05/2013, filed with the CPIO, CESTAT, New Delhi, the undersigned is constrained to turned down the request for providing copies of covering letters signed by the Assistant Registrar for sending the original records to the Hon'ble Supreme Court of India or to Hon'ble High Courts, for the period from 2003 to till date for the following reasons:

The copies sought are voluminous and need man-power. As the staff strength is meagre, it is not possible to collate the materials sought for. However, you may kindly visit this office for inspect the record and obtain the required information under Section 7(9) of the RTI Act, 2005.

Yours faithfully,

*K.S. Ramesh*

(K.S.Ramesh)

SPS/AR-In-Charge/CPIO

Tel: 044-28252306

**Note:** If the applicant is aggrieved by the information provided, he may appeal to the Hon'ble Mathew John, Technical Member, 1st Appellate Authority, CESTAT, Shastri Bhavan Annexe, 1<sup>st</sup> Floor, 26, Haddows Road, Chennai-600006 within 30 days.

Copy to the Dy.Registrar/CPIO, CESTAT, New Delhi w.r.t.letter dated 26/06/13.

REGD / SPEED POST

B. No. :

Date: 06/06/2013

**EMS** SPEED POST



ET 04279242 0 IN

Annexure - A4

(10)

SR2000  
600006 06 06  
2A40 00010



शुक्ली लेट

To

Shri. S.K. Verma

B-327, Swarn Jayanti

Ghaziabad - 201009

patcher :

Attoms, Excise & Service Tax Appellate Tribunal

1st floor, Shastri Bhavan Annexe Building,

Haddows Road, Chennai - 600 006.

044 - 28252306, Fax : 044 - 28234293



Annexure - A 5

CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL  
SOUTH ZONAL BENCH, FKCCI- WTC BUILDING,  
K.G. ROAD, BANGALORE-560 009

(11)

ID 50/2013

Date:04.06.2013

To

Shri S.K. Verma,  
B-372, Swarn Jayanti Puram,  
Ghaziabad 201 002.

Sir,

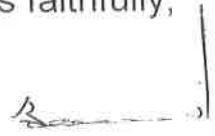
With reference to your RTI application dated 22/05/2013, filed with the CPIO, CESTAT, New Delhi which is being transferred to this office and received on 27.05.2013 I am to inform you as follows-

1. There is no specific file containing all the covering letters sent to the Supreme Court or to the High Courts. The second folders of the original records having the office copy of the covering letters are sent to the Records. This office has thousands of disposed appeals in the records and the man power of this office is too short to collate the materials scattered over such large number of files.
2. The RTI applicant while himself serving as the CPIO in the CESTAT, Bangalore has observed in his reply to the RTI application No.RTI/09/821 (ID-47/2009) that this office was functioning with minimum number of staff. The Hon'ble CIC in the appeal has also limited the scope of queries to 15 months. While disposing another RTI application the applicant in the capacity of CPIO, CESTAT, New Delhi had stated that applications for voluminous information would adversely affect the normal working of the office particularly judicial works of this Tribunal. He also relied on certain orders of the Hon'ble CIC on misuse of RTI Act. The above order binds on the present applicant also.

3. The applicant may inspect the records sought in his application between 09.30am-04pm on any working day in the presence of the CPIO on prior appointment. He is also entitled for such copies of documents as he demands during the inspection on payment of required fee.

Note: If the applicant is aggrieved by the above order, an appeal can be preferred under the RTI Act within 30 days. The First appellate authority is Hon'ble B.S.V. Murthy, Technical Member, CESTAT, WTC-FKCCI Building, K.G. Road, Bangalore-560 009.

Yours faithfully,



(Bineesh Kumar K.S.)  
Deputy Registrar/CPIO

Copy to:

Mr. Naresh Kumar (w.r.t. his letters ID no.8-12-/13 dated 22.5.2013, 4.6.2013.

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

Date of Hearing : **2.8.2013**

**Appeal No. 08-43(A)/2013**  
**CPIO ID No. 08/120/2013**

Shri S.K. Verma

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order.....51/2013.....

Heard Shri S.K. Verma – the appellant in presence of Shri Naresh Kumar,  
CPIO.

2. Shri S.K. Verma stated that he has sought the information regarding covering letters signed by Assistant Registrars for sending the original records to the Hon'ble Supreme Court and Hon'ble High Court within the period 2003 onwards till date in respect of all Benches of CESTAT. He submits that information in question has been provided by Delhi, Kolkata and Ahmadabad Benches. The information has not been furnished by CPIOs in respect of Bangalore, Chennai and Mumbai Bench. In respect of reply received by him from Bangalore and Chennai, he submits that Bangalore and Chennai Benches has not provided the information on account of the shortage of the staff and has given him the option for inspection of record and to obtain the information under Section 7(9) of the RTI Act. He submits that he does not have any intention to visit the places Bangalore

SC

and Chennai and when other Benches like Kolkata,, Ahmadabad and Delhi are able to provide the desired information, there is no reason for Bangalore and Chennai Benches for not giving the same information. He further points out that the information in question was sought by CPIO, Delhi under Section 5(4) and Section 5(5) of the RTI Act and appeal in respect of not providing information lies to Appellate Authority in Delhi and not Appellate Authority at Chennai and Bangalore as stated by CPIO Bangalore and Chennai. He further submits that since no reply has been given by the Bangalore and Chennai authorities within 30 days the information is required to be provided to him under Section 7(3) of the RTI Act without cost.

3. In respect of Mumbai Bench, he submits that since no information has been given by Mumbai it amounts to deemed refusal of the information and the appeal has been filed against the same.

4. I have gone through the RTI application submitted by Shri S.K. Verma and also the replies given by the Bangalore and Chennai CPIOs. The information has not been given by these Benches on the ground that the staff strength in these places is meagre and it is not possible to correlate the material sought for. I find the Delhi, Ahmedabad and Kolkata Benches have already provided the information sought for by the appellant. I find no reason in not giving the information by the Bangalore and Chennai Benches in respect of the present RTI

sc

appeal. CPIO, Delhi is therefore directed to get the information from Bangalore and Chennai and give the same to Shri S.K. Verma appellant within three weeks.

5. As regard information pertaining the Mumbai Bench it is noticed that no reply is furnished by CPIO Mumbai and CPIO, Delhi is directed to get the information from Mumbai and make it available to Shri S.K. Verma within three weeks from today.

6. The appeal is disposed of in the above terms.

  
(Sahab Singh)

Appellate Authority under the RTI Act

To

1. Shri S.K. Verma, Assistant Registrar, B-372, Swarn Jayanti Puram, Ghaziabad-201002.
2. Shri Naresh Kumar, Joint Registrar/CPIO, CESTAT, New Delhi

  
(3/8/13)



Frc  
Rajesh Kumar  
(Ex-Sr.PS, CESTAT)

08-44(A)/2013

Dated : 26<sup>th</sup> September, 2013.

Application under RTI Act, 2005

Hearing on 26.09.13

To

Shri Sahab Singh  
First Appellate Authority & Member  
CESTAT  
New Delhi.

Subject : Notice for hearing.

Ref : CESTAT letter No.2(1)/CESTAT/APA-ND/Notice/2013, dtd. 06.09.13.

Sir,

With reference to CESTAT's letter under reference on the above subject, my appeal No.08-44(A)/2013 against CPIO ID No.08/150/2013 is listed for today, i.e., 26.09.13 at 4.30 PM. In this connection, I have to submit that due to my son's sickness, I will not be able to attend the hearing. However, I have to submit that on 18.09.13, i.e., last hearing which was postponed, I have submitted a representation that I have not yet received the following information:-

- A [
1. Copies of file notings vide which my representations dtd. 11.02.13, 14.02.13, & 12.04.13 were dealt.
  2. Copies of all correspondences sent by PAO, Ministry of Finance to CESTAT in regard to CGEGIS.

2. In view of the above facts & circumstances, it is requested to consider the above points if the hearing takes place.

Yours faithfully,

*Rajesh Kumar* 26/9/13

(Rajesh Kumar)  
Sr. Pvt. Secretary  
Income Tax Settlement Commission  
9<sup>th</sup> Floor, Lok Nayak Bhawan, Khan Market  
New Delhi-110003.  
Mobile : 9868997918

Next date of hearing  
on 3.10.13 at 5PM  
of  
26-9-13

From :  
Rajesh Kumar  
(Ex-Sr.PS, CESTAT)

Dated : 31<sup>th</sup> July, 2013.  
Application under RTI Act, 2005

To  
Shri Sahab Singh  
First Appellate Authority & Member  
CESTAT  
New Delhi.

Subject : Non-receipt of information under RTI Act, 2005 – reg.

Ref : CESTAT letter No.08-150/CESTAT/CPIO-ND/NK/2013, dtd. 25.07.13.

Sir,  
Vide my application dtd. 08.07.13 under RTI Act, 2005, I have sought the following information :-

1. Copies of file notings vide which my representations dtd. 11.02.13, 14.02.13, 12.04.13 & 01.05.13 were dealt.
2. Copies of file notings vide which my CGEGIS case is being dealt and all correspondences sent by CESTAT to PAO, Ministry of Finance and vice-versa in this connection till today.
3. Copies of file notings vide which my LSPC case is being dealt and all correspondences sent by CESTAT to PAO, Ministry of Finance and vice-versa in this connection till today.

2. CESTAT vide letter under reference has provided only part information in regard to my representation dtd. 11.02.13, i.e., CGEGIS & LSPC correspondence sent by CESTAT and has not provided any information in regard to communication received from PAO, Ministry of Finance as I have used the words "vice-versa" in my RTI application dtd. 08.07.13 as can be seen at point No.2 above.

3. Also CESTAT has not provided any information on my representations dtd. 14.02.13, 12.04.13 and 01.05.13, i.e., point No.1 of my application dtd. 08.07.13 (copies enclosed).

Yours faithfully,

*Rajesh*  
31/7/13  
(Rajesh Kumar)

Sr. Pvt. Secretary  
Income Tax Settlement Commission  
9<sup>th</sup> Floor, Lok Nayak Bhawan, Khan Market  
New Delhi-110003.  
Mobile : 9868997918

200/55/13  
5/9/13

Dated : 11<sup>th</sup> February, 2013.

To

The Registrar  
Customs, Excise & Service Tax Appellate Tribunal  
New Delhi.

Sub: Request for remittance of GPF/CGEGIS & LSPC reg.

Sir,

I was relieved from CESTAT on 21<sup>st</sup> January, 2013 upon my selection in Income Tax Settlement Commission, New Delhi. I have been informed by my parent deptt., i.e., Narmada Control Authority that my contributions towards GPF/CGEGIS & LSPC for the period I rendered my services in CESTAT, has not been received till today. In this connection, it is pertinent to mention here that after my repeated requests, as can be seen from concerned file, CESTAT issued an order No.6(1)PF/CESTAT/2011, dtd. 18.10.12 to remit the above mentioned contributions to my parent deptt. but instead of complying the said office order, I was informed that after my repatriation, the said contributions will be sent to my parent deptt. I had also requested in my requests in CESTAT to enhance my contribution towards CGEGIS from Rs.60/- to Rs.90/- as CGEGIS is maintained by some other agency and not by central govt. as can be seen from the correspondence received from my parent deptt. This has also not been done.

2. In view of the above facts, it is requested to remit GPF/CGEGIS & LSPC to my parent deptt. immediately.

Yours faithfully,



(Rajesh Kumar)  
Ex-Sr.PS, CESTAT



Dated : 14.02.2013.

To

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

**Sub:- Request for deputation duty allowance reg.**

**Ref:-ITSC's Office Order No.A-12011/02/2012/SC/9479, dtd. 04.02.13.**

Sir,

I have received a copy of file notings through RTI vide CESTAT's letter No.08-05/CESTAT/CPIO/ND/KS/2013, dtd. 08.02.13 vide which my case of deputation duty allowance was dealt in CESTAT. A careful reading of the file noting shows how the rules are mis-interpreted intentionally just not to extend the only monetary benefit to me. In my all representations in CESTAT which are available in the concerned file of CESTAT, I have stated that as per DOPT's guidelines as I have opted for pay in parent department plus deputation allowance, I am eligible for deputation duty allowance. Even after producing a copy of the identical case, could not help CESTAT to grant my legitimate dues. However, none of my representations were never ever replied and that was the only reason to leave CESTAT and to join Income Tax Settlement Commission (ITSC) as can be seen from my application which was forwarded by CESTAT.

2. It is also pertinent to mention here that my case was also sent to the Ministry of Finance and in turn Ministry of Finance asked the views of CESTAT which was also never ever replied.

3. After joining ITSC, an office order dtd. 04.02.13 regarding my appointment was issued and a copy of the same was forwarded to CESTAT. In para-2 of the said office order, my entitlement for deputation duty allowance is clearly mentioned.

4. In view of the facts mentioned above, it is requested to grant me deputation allowance for the period I have rendered services in CESTAT.

Yours faithfully,



**(Rajesh Kumar)**  
Senior Pvt. Secretary  
Income Tax Settlement Commission,  
4<sup>th</sup> Floor, Lok Nayak Bhawan, Khan Market  
New Delhi-110003

2610 8426 ①  
Dated : 12<sup>th</sup> April, 2013.

To

The Registrar  
CESTAT  
New Delhi.

**Sub: Request for (i) remittance of GPF/CGEGIS/LSPC and (ii) release of arrears of deputation allowance - reg.**

Sir,

This is with reference to my telephonic conversation with you on 10<sup>th</sup> April regarding (i) remittance of GPF/CGEGIS & LSPC to my parent deptt., i.e., Narmada Control Authority, Indore and (ii) to release arrears of deputation allowance for the period I have rendered services in CESTAT.

2. In this connection, it is submitted that after getting much humiliation for the entire period of my posting in CESTAT at the hands of its officials on the above stated two issues, I had no option but to leave it. Firstly, as regards remittance of GPF/CGEGIS & LSPC on the insistence of CESTAT officials, my parent deptt. has written two letters No.C-5/P-85/92/Accts, dtd. 08.06.12 and letter No.NCA/C-5/P-85/92/Accts/1479, dtd. 21.11.12 addressed to the then Registrar, late Shri S.Chandran on the subject (copies of both the letters are enclosed). Also, after no. of representations, an office order No.6(1)/PF/CESTAT/2011, dtd. 18.10.12 with the approval of Registrar, CESTAT was also issued which was never ever complied. In this connection, as informed by you that according to Accounts Officer (A.O.) and also of your experience, further course of action in this regard will be taken by the two PAOs, i.e., PAO of Deptt. of Revenue and PAO of my parent deptt. as the LPC mentions all the details. In this regard, it is submitted that LPC mentions only GPF A/c No.MFR-3114 and there is no mention about CGEGIS and LSPC. Further, an amount of Rs.90/- is deducted for CGEGIS for the month of January, 2013, the same amount (Rs.90) is to be adjusted from my GPF A/c as inspite of repeated requests, only Rs.60/- was deducted from May, 2011 to December, 2012. Also LSPC is to be calculated by A.O. and the amount, if any, due can be adjusted from my GPF A/c. On these two issues (adjustment of CGEGIS & LSPC calculation), a letter is to be written by A.O., CESTAT to PAO, Deptt. of Revenue and a copy of the same is to be endorsed to PAO, Narmada Control Authority as also to me. I have submitted all the details about PAO, my GPF A/c No. etc. and will be available in the concerned file of CESTAT. I am once again giving details of PAO of my parent deptt. :-

S.S.SHUKLA

FINANCE OFFICER,  
NARMADA CONTROL AUTHORITY  
NARMADA SADAN, SCHEME NO.74-C,  
VIJAY NAGAR, INDORE-452010.  
TEL. 0731-2551429, FAX : 0731-2559888

7 Pages

3. As regards, deputation allowance, it is submitted that to clear the doubt of CESTAT officials, I have submitted a copy of identical case which nowhere mentions that the officer was drawing grade pay 4800 on regular basis (copy enclosed) about which CESTAT officials intentionally presumed to deny the benefit to me. Now, to further clear the confusion, if any, of CESTAT officials about grade pay etc., it is submitted that after joining Income Tax Settlement Commission (ITSC) on the same terms & conditions as that of CESTAT, I have been given deputation allowance (a copy of advertisement and my ITSC letter, copy of which was endorsed to CESTAT also, are enclosed) as otherwise also, my complete application for ITSC along with advertisement will be available in concerned file.

4. In view of the above facts, with my folded hands, finally, I am requesting you to instruct A.O. to immediately take action on above mentioned points, i.e., letter to PAO, Deptt. of Revenue and copy to PAO of my parent deptt. as also to me about transfer of GPF, adjustment of CGEGIS & LSPC from my GPF A/c and release of arrears for deputation allowance for my tenure in CESTAT without his usual excuses like 'ho jayega', 'kar denge', 'kar raha hun' etc. otherwise next week I will be compelled to bring the matter to the notice of Hon'ble President, CESTAT about all the intentional misdeeds towards me.

Thanking you,

Yours faithfully,  
*Rajesh Kumar* 18/4/13  
(Rajesh Kumar)

Senior Private Secretary  
Income Tax Settlement Commission  
9th Floor, Lok Nahyak Bhawan, Khan Market  
New Delhi-110003.  
Tel : 24629404, Fax 24626275, M : 9868997918

Dated : 1<sup>st</sup> May, 2013.

To

The Hon'ble President  
CESTAT  
New Delhi.

Sub: Request for (i) release of arrears of deputation allowance and (ii) remittance of GPF/CGEGIS/LSPC - reg.

R/Sir,

With due respect, I am submitting few lines for your kind consideration : -

I joined CESTAT as Sr.PS on 26<sup>th</sup> April, 2011 and was compelled to leave it after getting so much of humiliation at the hands of its officials on the above two issues for the entire period of my posting in CESTAT, i.e., upto 21<sup>st</sup> January, 2013. Even after leaving CESTAT, I made three requests in this regard, i.e., on 11<sup>th</sup> & 14<sup>th</sup> February and 12<sup>th</sup> April, 2013 to kindly resolve the above stated two issues but of no avail. In my last request, i.e., 12<sup>th</sup> April, (copy enclosed), I specifically stated to please resolve my two long pending issues otherwise I shall be compelled to bring the matter to the notice of the Hon'ble President, CESTAT but even that request did not affect the attitude of CESTAT towards me. After waiting whole month, I personally met the Registrar on 29<sup>th</sup> April to know the progress, if any, made in regard to the above two issues. But to my utter shock, the Registrar informed me that an office order in regard to my pay fixation will be issued and I can challenge it in any legal forum.

2. Sir, as regards the first issue, it is submitted that after joining CESTAT, to get the only monetary benefit (around Rs.1,000/- per month), I opted for pay in parent deptt. plus deputation allowance as I was already drawing grade pay of 4800 under MACP. For this purpose, after tolerating frustration for very long time, for the convenience of CESTAT, I had also submitted a copy of an identical case but all my efforts were went in vain as the presumption of CESTAT officials, to deny the benefit to me, was that the official whose copy I had produced, was drawing grade pay 4800 on regular basis and I was drawing on MACP basis. But, nowhere in the said order has any mention about it (the said opinion came to know through RTI). Now, after joining Income Tax Settlement Commission (ITSC) on the same terms & conditions as that of CESTAT, I have been given deputation allowance (a copy of

P.T.O.

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

Date of Hearing : 26.9.2013

Appeal No. 08-44(A)/2013  
CPIO ID No. 08-150/2013

Shri Rajesh Kumar, SPS

Appellant

Vs.

Shri Rajender Prasad, AO/CPIO

Respondent

Order.....50/2013.....

Appellant is not present due to sickness of his son. Appellant has sent written communication stating that following information:

1. Copies of file notings vide which his representations dated 11.2.2013, & 12.4.2013 were dealt:
2. Copies of all correspondences sent by PAO, Ministry of Finance to CESTAT in regard to CGEGIS.

has not been received by him.

2. Heard Shri Rajender Prasad, CPIO. He submits that requisite information has been provided to the Appellant vide letter dated 19.9.2013 and also faxed to the appellant today afternoon.

3. In view of above appeal stands closed.

ISSUED ON

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

*JS*

(Sahab Singh)

Appellate Authority under the RTI Act

To

*JS*

1. Shri Rajesh Kumar, SPS, Income Tax Settlement Commission, 9<sup>th</sup> Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110003.
2. Shri Rajender Prasad, AO/CPIO.

ISSUED ON

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

2/11/13  
4/9/13  
4053/13-13

58-45(A)/2013

Customs Excise & Service Tax Appellate Tribunal  
04 SEP 2013  
West Block 2, R.K. Puram  
New Delhi - 110066

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

Ref. No. :RTI/P-537/(4982/13)/Appeal/5850  
Dated : 03-09-2013

SPS to  
Hon'ble PAA  
4/9

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)	28-03-2013	
3.	Details of the order appealed against	CPIO's letter F.No.08-64/CESTAT/CPIO-ND/NK/2013 dated 27-8-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	27-9-2013	
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 28-3-2013. <b>(Annexure-1)</b> (2) Copy of CPIO's transfer/forwarding letter dated 28-3-2013 <b>(Annexure-2)</b> .	

199/55/13  
5/9/13

		<p>(3) Copy of Appellant's reminder letter dated 03-04-2013 (<b>Annexure-3</b>)</p> <p>(4) Copy of Accounts Officer, CESTAT, Deemed CPIO's letter dated 10-04-2013 (<b>Annexure-4</b>)</p> <p>(5) Copy of CPIO's letter dated 23-04-2013 along with Report of Assistant Registrar (Admin.), Deemed CPIO (<b>Annexure-5</b>)</p> <p>(6) Copy of CPIO's letter dated 3-5-2013 (<b>Annexure-6</b>)</p> <p>(7) Copy of CPIO's letter dated 1-7-2013 (<b>Annexure-7</b>)</p> <p>(8) Copy of Appellant's reminder letter dated 3-7-2013 (<b>Annexure-8</b>)</p> <p>(9) Copy of CPIO's letter dated 27-8-2013 (<b>Annexure-9</b>)</p>
--	--	--

**BRIEF FACTS OF THE CASE**

- (1) The appellant has filed an application dated 28-03-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide details of TA/DA claimed/paid to Shri S.K. Verma, Assistant Registrar, from 01-06-2006 till the date of providing the information. Please also provide copies of all Bills along with supporting documents.*
  - (B) *Please provide details of the Transfer Allowance or expenses for transfer from Delhi to Bangalore and Bangalore to Delhi claimed/paid paid to Shri S.K. Verma from 01-01-2006 till the date of providing the information.*
  - (C) *Please provide date-wise details of the amount paid to Shri S.K. Verma for travel by Air or Rail during the period 01-01-2006 till the date of providing the information. Please also provide copies of the relevant bills with supporting documents.*

*(D) Please provide certified copies of the permission granted to Shri S.K. Verma prior to 01-08-2005 for doing Ph.D and also copies of his application along with copies of all the Notesheets of the relevant File from which the permission was granted.*

*(E) Please provide copies of all Applications for Station Leaves applied by Shri S.K. Verma from 1999 till the date of providing the information. Please also provide copies of the Station Leaves granted/sanctioned to him and the dates for which such Station Leaves were availed by him.*

*(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 (C) above. Please provide inspection of complete file(s) even if they contain part of 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) That the CPIO by his order dated 28-3-2013 (**Annexure-2**) transferred the aforesaid RTI Application to the Assistant Registrar (Admn) and Accounts Officer. The Appellant by his letter dated 3-4-2013 (**Annexure-3**) reminded Shri Mukesh Gupta, Assistant Registrar (Admn) and Deemed CPIO to provide the information. The Accounts Officer by his letter dated 10-4-2013 (**Annexure-4**) provided information sought in point (A) to (C). Shri Mukesh Gupta, Assistant Registrar (Admn) and Deemed CPIO by his Report dated 23-4-2013 (**Annexure-5**) informed that the records relating to information sought in point (D) to (F) have been transferred to Under Secretary, Ad.-IC, DoR. The CPIO by his letter dated 3-5-2013 (**Annexure-6**) transferred the said points to the CPIO, Ad.-IC, DoR. However, the CPIO of Ad.IC returned the records to the CESTAT.



Consequently, CPIO, CESTAT by his letter dated 1-7-2013 (**Annexure-7**) to Shri Mukesh Gupta, Assistant Registrar (Admn) and Deemed CPIO forwarded the letter of the CPIO, Ad.-IC returning the records. The Appellant by his letter dated 3-7-2013 (**Annexure-8**) reminded Shri Mukesh Gupta, Assistant Registrar (Admn) and Deemed CPIO to provide the information. The CPIO and the Deemed CPIO by their letter dated 27-8-2013 (**Annexure-9**) have wrongly stated that the information sought in point (D) and (E) has already been provided whereas the Appellant has not received the information sought in point (D) and (E) of 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 Shri Mukesh Gupta, Assistant Registrar (Admn) and Deemed CPIO have deliberately and malafidely not provided the information within 30 days as sought in point (D) and (E) of the RTI Application without any reasonable cause. They have claimed to have provided information under their earlier letter dated 2-8-2013 under some other RTI without enclosing the copy of the said letter. Even otherwise the said letter does not seem to have been received at Appellant's end. 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) 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 Appellant reserves his right to file direct Appeal to the CIC under Section 18 of the RTI Act, 2005.

- (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 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 : 03-09-2013

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

Ref. No. :RTI/P-195/4982/13

Dated : 28-3-2013

To

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

Customs Excise & Service Tax  
Appellate Tribunal  
28 MAR 2013  
R.K. Puram,  
110066

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide details of TA/DA claimed/paid to Shri S.K. Verma, Assistant Registrar, from 01-06-2006 till the date of providing the information. Please also provide copies of all Bills along with supporting documents.  (B) Please provide details of the Transfer Allowance or expenses for transfer from Delhi to Bangalore and Bangalore to Delhi claimed/paid to Shri S.K. Verma from 01-01-2006 till the date of providing the information.  (C) Please provide date-wise details of the amount paid to Shri S.K. Verma for travel by Air or Rail during the period 01-01-2006 till the date of providing the information. Please also provide copies of the relevant bills with supporting documents.  (D) Please provide certified copies of the permission granted to Shri S.K. Verma prior to 01-08-2005 for doing Ph.D and also copies of his application along with copies of all the Notesheets of the relevant File from which the permission was granted.

*Matter may be closed  
subject to inspection of  
records  
29.9.13*

		<p>(E) Please provide copies of all Applications for Station Leaves applied by Shri S.K. Verma from 1999 till the date of providing the information. Please also provide copies of the Station Leaves granted/sanctioned to him and the dates for which such Station Leaves were availed by him.</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 (C) above. Please provide inspection of complete file(s) even if they contain part of the information.</p> <p><b>Note:- Please provide pointwise information/response for each of above points.</b></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 028679 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 <b>within 30 days of the Application.</b>	

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

Place : New Delhi  
 Encl. : as above

Annex 2

9

**F.No. 08-64/CESTAT/CPIO-ND/KS/2013**  
**Customs Excise & Service Tax Appellate Tribunal**  
**West Block-2, R.K. Puram**  
**New Delhi-66**

Dated : 28/03/2013  
I.D. No. 08-64/2013

Sub : Information sought under RTI Act 2005-reg.

Sir,

Shri. R.K.Jain has filed RTI application No.RTI/P-195/4982 dated 28/03/2013 (received on 28/03/2013) wherein he has sought information as mentioned therein (copy enclosed)

From the perusal of the RTI application, it has been observed that the information as sought by the applicant is closely pertains to the O/o the following officers of CESTAT.

Therefore, keeping in view of the provisions of Section 5(4) r/w Section 5(5) and Section 6(3) of RTI Act, 2005, the RTI application dated 26/03/2013 is forwarded/transferred herewith to the following officers CESTAT, New Delhi with the request to provide the information to the undersigned CPIO or directly to the applicant, as the case may be, **if any**, on or before 12/04/2013 so that the same may be forwarded to the applicant within the prescribed period of 30 days.

*Dr* 28/3/13

(Kripa Shankar)  
Assistant Registrar/CPIO

Encls : As above

To,

1. Shri. Mukesh Gupta, Assistant Registrar (Admn Section) with the request to provide the information relating to point 'A' to ~~F~~ of the RTI application directly to the applicant under intimation to the undersigned.
2. Shri. Rajender Prasad, Accounts Officer with the request to provide the information relating to point 'A' to ~~F~~ of the RTI application directly to the applicant under intimation to the undersigned.

Copy to! - Shri. R.K. Jain

O/C (10)

Annex 3

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

RTI/P-195/4982/13/R5676  
03-04-2013

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

08 APR 2013  
Puram,  
New Delhi - 110066

vijay  
879/14


**Sub: My RTI Application No. RTI/4982/13, dated 28/3/2013**

Dear Sir,

This refers to the letter F.No.08-64/CESTAT/CPIO-ND/KS/2013 dated 28-03-2013 of Shri Kripa Shankar, Assistant Registrar/CPIO, CESTAT, West Block 2, R.K.Puram, New Delhi, transferring my aforesaid RTI application to you under section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI application.

Thanking you,

Yours faithfully,



[R.K. Jain]

Ammem 4 (11)

F.No. 70/CESTAT/Accounts/RTI/ 2012-13  
Customs, Excise and Service Tax,  
Appellate Tribunal,  
West Block No.2, R.K.Puram,  
New Delhi-110066.

Dated : 10.04.2013

To  
The Deputy Registrar/CPIO,  
CESTAT,  
NEW DELHI..

Subject : Information sought under RTI Act 2005 - regarding  
RTI P-195/4942/13 dt. 24/3/13

Sir,

In reference to your letter F.No.08-64/CESTAT/CPIO-ND/KS/2013(I.D.No 08-64/2013) dated 28.03.2013 the point wise reply in respect of Shri S K Verma Assistant Registrar is as under :-

Point "A"

Copy of complete details of TA/DA claims paid to Shri S K Verma, AR from 01.01.2006 to 31.03.2013 is enclosed as per list A.

Point "B"

Copy of details of the Transfer claims paid is enclosed as per list B.

Point "C"

Complete details of air ticket or rail ticket amount paid to Shri S K Verma, AR is as per details available in TA/DA on Tour Bills and TA on Transfer Bill as per list A and B enclosed as above. Photocopy of all bills enclosed.

Point "D & E"

No reply (not pertains to this section)

Point "F"

Applicant may inspect the record on 22<sup>nd</sup> April 2013 at 10.30 AM.

Encl. as above  
(29 pages)

Yours faithfully,  
/ (Rajender Prasad)  
Accounts Officer

Copy for information to :-

✓ Shri R K Jain, 1512-B, Bhisham Pitamah Marg, Opp. ICICI Bank of Defence Colony, New Delhi - 110003.





Annexure 5

(12)

FNb 08/64/CESTAT/CP10-ND/NIC/2013  
CUSTOMS EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL, WEST BLOCK NO.2,  
R.K.PURAM, NEW DELHI:110066.

Dt 23/04/2013

Id No. 08-64/2013

To,

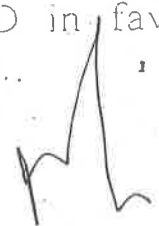
Shri R K Jain,  
1512 Bhishma Pitamah Marg,  
Wazir Nagar,  
New Delhi:110003,

Subject: Information under Right to Information Act  
2005.

Sir,

Please refer to your RTI application No 4982/13  
Dt. 28/3/13 and our ID No 08-64/13 information  
received from AR, Admn. containing 01 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

I.D. No. 08-64/2013  
Dated : 22.04.13

**Sub. : The information sought under RTI ACT 2005 – reg.**

Sir,

Kindly refer to Sh. R.K. Jain RTI application No. RTI/P-195/4982/13 dated 28/03/13 and to the CPIO Letter dated No. 08-64/CESTAT/CPIO-ND/KS/2013 dated 28.03.13 wherein sought information relating to point 'A' to 'F' under RTI Act 2005.

In this connection, the point wise information is as under:-

**Point – A to C –** Information relating to point **A to C– Such** information is not concerned to Administration Section. All information is pertaining to Accounts Section, CESTAT, Delhi.

**Point – D to F –** Information relating to point **D to F** - all service records i.e. service book & all personal files of the official has been sent to the Under Secretary-Ad-IC, D/o Revenue, M/o Finance as per their direction.

647/2013/2013  
23.4.2013

To  
Sh. Naresh Kumar, Deputy Registrar/CPIO, CESTAT, New Delhi

  
(Mukesh Gupta)  
Assistant Registrar (Admn.)

Annex 6 (14)

F.No.08-64/CESTAT/CPIO-ND/NK/2013  
CUSTOM , EXCISE & SERVICE TAX APPELLATE TRIBUNAL  
WEST BLOCK-2 R.K.PURAM-110066

Dated : 03.05.2013  
ID No.08-64/2013

To,

The Under Secretary,,  
Central Information Officer,  
Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi -110 001

Sir,

Subject: Information sought under RTI Act 2005.

Please refer to Shri R.K.Jain application under RTI Act 2005 Vide No.4982 dated 28.03.2013 (copy enclosed) wherein certain information are sought as mentioned therein (Para D to F) are related to you.

Therefore, in terms of the provisions of Section 6(3) of RTI Act 2005 the RTI application No.4982 dated 28.03.2013 is forwarded to you to provide the information directly to the applicant. Copy of Letter No.33/137/RTI/Misc./CESTAT / Admn 2013 dated 22.04.13 of the Assistant Registrar Admn. CESTAT is also enclosed herewith.



(Naresh Kumar)

Dy.Registrar/CPIO

Copy to Shri R.K. Jain 1512 B Bhatnagar Pitamahal  
marg, north Nagar, New Delhi 3

Annexure 7 (13)

F. No. 08-64 /CESTAT/CPIO-ND/NK/2013  
CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL,  
WEST BLOCK NO- 2, R. K. PURAM, NEW DELHI - 66.

CPIO ID NO. ~~01-713~~ 08-64/13  
DATED: 01-7-13

Sub: Information sought under RTI Act 2005 - reg.

Sir/Madam,

Please find enclosed herewith a letter No. F No R-20016/44/2013-Ad.  
Dated 04/7/13 <sup>Received on 25-6-13</sup> received from Shri S. Bhowmick under Secretary, <sup>(CESTAT)</sup>  
AD. IC, Ministry of Finance, Deptt. of Revenue in RTI application No.  
4982/13 Dated 28-3-13.

The same is being sent to you for necessary compliance under  
Section 5(4) &5(5) of RTI Act 2005. You are requested to provide the  
information within one week please. *RTI application also enclosed here with*

*[Signature]*  
Dy. Registrar/CPIO

Encl.: As above.

To,  
1. Asst Registrar Administration Para D to R

- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

6. Copy to Sh R K Jain 1512 B B L B Karna Vihar, Wazirpur  
Nagar, New Delhi: 3

✓/5126

070  
Annu & 16

**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, Bhisim Pitamah Marg,  
Opp. ICICI Bank of Defence Colony,

**NEW DELHI - 110-003.**

PHONE : 24651101

MOBILE : 9810077977

RTI/P-195/4982/13/R6522

03-07-2013

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

Customs Excise & Serv  
Appellate Tribu

4 JUL 2013

West Block No.2, i  
New Delhi-11

out/7/13

**Sub: My RTI Application No. RTI/4982/13, dated 28/3/2013**

Dear Sir,

This refers to the letter F.No.08-64/CESTAT/CPIO-ND/NK/2013 dated 1-7-2013 of Dy. Registrar/CPIO, CESTAT, Delhi transferring my aforesaid RTI application to you under section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

Annex 9 (17)

R/160864 /CESTAT/CPIO-ND/NIC/2013  
CUSTOMS EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL, WEST BLOCK NO.2  
R.K PURAM, NEW DELHI:110066

Di 27/8/13  
Id No. 08-6413

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. 4982  
Dt. 28/3/13 and our ID No. 086413 the information  
received from AR Adani 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

I.D. No. 08-64/2013  
Dated : 22.08.13

**Sub. : The information sought under RTI ACT 2005 - reg.**

Sir,

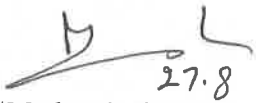
Kindly refer to Sh. R.K. Jain RTI application No. RTI/P-195/4982/13 dated 28/03/13 and to the CPIO Letter dated No. 08-64/CESTAT/CPIO-ND/KS/2013 dated 28.03.13 & reminder dated 26.07.13 wherein sought information relating to point 'A' to 'F' under RTI Act 2005.

In this connection, the point wise information is as under:-

**Point - A to C** - Information relating to point **A to C**- **Such** information is not concerned to Administration Section. All information is pertaining to Accounts Section, CESTAT, Delhi.

**Point - D to E** - Information relating to point **D to E** - have already been provided vide letter F. No. 33/145/RTI/ Misc./ CESTAT/ Admn./2013 Dated : 02.08.13 in I.D. No. 08-78/2013

**Point - F.** The CPIO, CESTAT, New Delhi may be allowed to applicant for inspection of the desired information related to point **F** at any time in working hours in the office of Assistant Registrar, Administration Section, CESTAT, New Delhi

  
27.8

(Mukesh Gupta)  
Assistant Registrar (Admn.)

To  
Sh. Naresh Kumar, Assistant Registrar/CPIO, CESTAT, New Delhi

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

Date of Hearing : 18.9.2013

Appeal No. 08-45(A)/2013  
CPIO ID No. 08-64/2013

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order.....52/2013.....

Heard Shri R.K. Jain appellant in presence of Shri Naresh Kumar, CPIO.

2. Matter may be closed subject to inspection of records.



(Sahab Singh)

Appellate Authority under the RTI Act

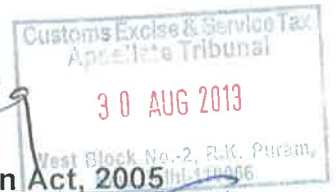
To

1. Shri Naresh Kumar, Deputy Registrar/CPIO, CESTAT, New Delhi
2. Shri R.K. Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003.



D-1 MO. 4016/CR-13  
2/9/13

58-46/10 P013



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

Ref. No. : RTI/P-537/(7005/13)/Appeal/5836

Dated : 30-08-2013

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

f  
3/9

**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)	30-07-2013	
3.	Details of the order appealed against	CPIO's letter F.No.8/2/CESTAT/Comp/08 dated 12-8-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	12-9-2013	
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 30-7-2013. (Annexure-1) (2) Copy of CPIO's letter dated 2-8-2013. (Annexure-2) (3) Copy of Appellant's letter dated 19-8-	

198/55/13  
5/9/13

		2013 ( <b>Annexure-3</b> ) (4) Copy of CPIO's letter dated 12-8-2013 ( <b>Annexure-4</b> ) (5) Copy of Appellant's letter dated 26-8-2013 ( <b>Annexure-5</b> ). (6) Copy of CPIO's letter dated 14-8-2013 ( <b>Annexure-6</b> ).
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### BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 30-07-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide the date and diary of the receipt of Letter No. A.50050/114/2012/Ad-IC dated 22-4-2013 of the Under secretary Ad-IC. Please also provide certified copy of said letter with enclosures.*
- (B) *Please provide the file numbers in which the aforesaid letter has been dealt with. Please also provide the copies of the all notesheets of the said file.*
- (C) *Please provide datewise details of the action taken on the aforesaid letter and letter dated 10-4-2013 of members CBEC enclosed here too.*
- (D) *Please provide copies of all further correspondence received or sent in relation to the letter refer to in point (A) above.*
- (E) *Please provide details of the amount sanctioned in the budget for the year 2008 - 2009 to 2013-2014 for computerisation of CESTAT or for expenses relating to computers. Please also provide year wise amount actually spent inrelation to computers including software for the years 2008-2009 to 2013-2014.*
- (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 (C) above. Please provide inspection of complete file(s) even if they contain part of 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) That the CPIO by his letter dated 2-8-2013 (**Annexure-2**) transferred the aforesaid RTI Application to the Registrar, Accounts Officer and Shri Manoj Kumar of Computer Section. The CPIO by his letter dated 14-8-2013 (**Annexure-6**) provided some information from the Accounts Officer. The Appellant by his letter dated 19-8-2013 (**Annexure-3**) reminded the CPIO to provide information from point (A) to (B) and (F) of the RTI Application in question. That the CPIO by his letter dated 12-8-2013 provided incomplete and incorrect information and fixed a date for inspection which had already expired. The Appellant by his letter dated 26-7-2013 (**Annexure-5**) requested to provide complete and correct information and re-fix two dates for inspection. The Appellant being aggrieved by the said order of the CPIO is filing the present appeal.

#### **GROUNDS OF APPEAL**

- (1) That the order in question of the 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 complete and correct information as sought by the Appellant nor he has so provided the inspection of the records and rather fixed the date of inspection in a way that the Appellant may not be able to undertake inspection.

- (4) That the Ld. CPIO has erred in not providing complete and correct 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 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) 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 : 30-08-2013

O/C

Annexure - 1

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

Ref. No. : RTI/P-195/7005/13

Dated : 30-7-2013

To

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

31 Jul 2013

*31/8/13*

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
	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide the date and diary of the receipt of Letter No. A.50050/114/2012/Ad-IC dated 22-4-2013 of the Under secretary Ad-IC. Please also provide certified copy of said letter with enclosures.</p> <p>(B) Please provide the file numbers in which the aforesaid letter has been dealt with. Please also provide the copies of the all notesheets of the said file.</p> <p>(C) Please provide datewise details of the action taken on the aforesaid letter and letter dated 10-4-2013 of members CBEC enclosed here too.</p> <p>(D) Please provide copies of all further correspondence received or sent in relation to the letter refer to in point (A) above.</p> <p>(E) Please provide details of the amount sanctioned in the budget for the year 2008 - 2009 to 2013-2014 for computerisation of CESTAT or for expenses relating to computers. Please also provide year wise amount actually spent in relation to computers including software for the years 2008-2009 to 2013-2014.</p> <p>(F) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as</p>

*Applicant submitted additional documents*

*A - copy of letter to be provided  
B - content information shall be provided to the applicant  
C - For the computerisation shall be completed by 15-8-2013  
D - Inspected the notesheet of 15-2013 RTI file  
E - details of records*

*\* Attached*

		referred to in point (A) to (C) above. Please provide inspection of complete file(s) even if they contain part of the information.  <b>Note:-Please provide pointwise information/ response for each of above points.</b>
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 109398 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided <b>within 30 days of the Application.</b>	



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

Place : New Delhi

Encl. : as above

Hir/—

Annexure 2

F.No.08-172 / CESTAT/CPIO-ND/NK/2013  
Customs Excise and Service Tax Appellate Tribunal  
West Block No 2, R.K.Puram, New Delhi-110 066

Dated: 02-8-13  
ID No. 08-172/13

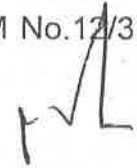
Subject: Information sought under RTI Act, 2005.

Sir,

Please refer to RTI application of Shri / Smt. R.K. Jain  
under RTI Act 2005 vide No. 7005 dated 30-7-13 (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. 7005 dated 30-7-13 CPIO ID No. 8-172/13 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide the correct and parawise information/inspection  
on or before 16-8-13 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
- 2. Accounts Office
- 3. Mr. Manoj Kumar (Computer Section)
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

6. Computer Section R.K. Jain 150 B B.L. Sharma Distt. L. M. G.,  
West Block No. 2, R.K. Puram, New Delhi - 110 066



Annex 3

OK

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

*[Handwritten signature]*  
13/8/14

RTI/P-195/7005/13/R7092  
19-08-2013

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

**Sub: My RTI Application No. RTI/7005/13, dated 30/7/2013**

Dear Sir,

This refers to your letter F.No.08-172/CESTAT/CPIO-ND/NK/2013 dated 14-8-2013 and have noted the contents. You have so far provided the information as sought in point E of my RTI application I still await information for point A to D and point F of my RTI application. Kindly expedite the information.

Thanking you,

Yours faithfully,

*[Handwritten signature]*

[R.K. Jain]

Annex 4

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

Dated: 12.08.2013

To

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

**Sub: RTI ID No 08-172/13**

**Refer: RTI/P-195/7005/13, dated 30/07/12**

Sir,

As per above RTI ID the information for the desired information point wise stated below.

- A.** Certified copy attached the diary no 927 date 2/4/13 (Registrar personal Section)
- B.** F.No 3-1/CESTAT/Comp/06 (Note sheet copies for the file)
- C.** The course action planned has been to get all the benches of CESTAT to use new Software developed by NIC modifying the software being used by the District Courts in various states of India.

This software is to be implemented in seven stages as Under:

- (i) Recording of basic details relating to appeals and applications filed as contained in EA-5, CUS-5, ST-5 etc. and give acknowledgement/appeal numbers to the litigants and also create a database of appeals and applications.
- (ii) Generate Cause lists from data residing in computer
- (iii) Mark disposal in court proceedings for each case listed on a day in the database
- (iv) Generate order numbers/judgement numbers using the system and post the order numbers/judgement numbers in the data base while generating the number itself.

- (v) Publish the orders / judgments on the CESTAT web site
- (vi) Display status of each case on CESTAT web-site
- (vii) Inform the litigants about developments in each case through SMS and e-mails.

Stages (i) to (iv) are achieved at Delhi, Chennai, Bangalore except that in the case of past data may not be complete and such cases not yet entered are getting keyed in during the week before the cases are to be listed.

Ahmedabad and Kolkata Benches have achieved stages (i) and (ii)

Mumbai Bench is kept out of the scheme for the present because they are running separate software which is working reasonably satisfactorily. It was not considered prudent to disturb the stabilized position in Mumbai till the new software stabilises at other benches.

In respect of stage (v) orders and judgments were being loaded in text format. Software is being changed to achieve loading of these in pdf format

In the case of stage (v), (vi) and (vii) NIC has been asked to develop necessary software. They have been reporting for past few weeks that the software is going through security audit. We are awaiting its completion because CESTAT has no other choice.

There is not much of written communication on software development. The progress made so far has been through oral consultations and discussions. This position is proposed to be continued.

**D).** Further correspondence not yet done on this matter.

**E).** The information about this point please asked from the Cash Section. Further there is no specific fund allotment the website development and software development.

**F).** Applicant is free to inspect the records on 19/08/2013 with prior intimation to this section and incharge



**(Naresh Kumar)**  
**Deputy Registrar (J)**  
**I/c Computer Section**

O/C

Annu S

**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.**

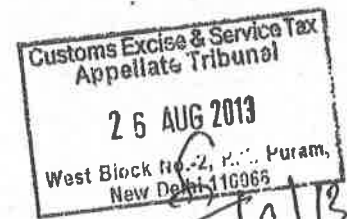
PHONE : 24651101

MOBILE : 9810077977

RTI/P-195/7005/13/R7132

26-08-2013

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



**Sub: My RTI Application No. RTI/7005/13, dated 30/7/2013**

Dear Sir,

This refers to your letter F.No. 8/2/CESTAT/Comp/08 dated 12-8-2013 and have noted the contents. You have not provided the complete and correct information as sought by me. Accordingly, I am filing an appeal with the First Appellate Authority. Moreover, you have offered inspection of the record for 19-8-2013, whereas your communication has been received on 24-8-2013 i.e. 5 days after the date fixed by you. Kindly fix two other dates for undertaking the inspection.

Thanking you,

Yours faithfully,

[R.K. Jain]

Annex 6

R/No 8112/CESTAT/CPIO-ND/NIC/2013  
CUSTOMS EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL, WEST BLOCK NO.2,  
R.K.PURAM, NEW DELHI:110066.

Dt. 14/8/13  
Id No. 08-112/13

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

Please refer to your RTI application No. 705  
Dt. 30-11-13 and our ID No. 8-112/13 the information  
received from Accounts Officer containing 1 pages  
is endorsed herewith for your reference please.

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



(Naresh Kumar)  
Dy.Registrar/CPIO

V - 5748

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

Date of Hearing : **18.9.2013**

**Appeal No. 08-46(A)/2013**  
**CPIO ID No. 08-2/2013**

Shri R.K. Jain

Appellant

Vs.


Shri Naresh Kumar, CPIO

Respondent

Order.....53/2013.....

Heard Shri R.K. Jain appellant in presence of Shri Naresh Kumar, CPIO. The Appellant submitted additional documents at the time of hearing.

- (A) Copy of letter to be provided to the appellant.
- (C) Correct information should be provided to the appellant.
- (D) Further correspondence should be correctly and completely provided as evident from note sheet dated 1.5.2013 of the file.
- (F) Inspection of records should be provided.

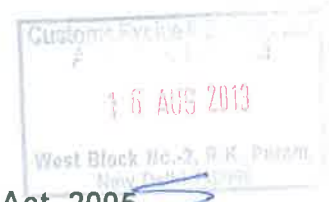
  
(Sahab Singh)  
Appellate Authority under the RTI Act

To

1. Shri Naresh Kumar, Deputy Registrar/CPIO, CESTAT, New Delhi
2. Shri R.K. Jain, 1512-B, Bhisim Pitamah Marg, Wazir Nagar, New Delhi-110003.

3820/02/13  
16/8/13

58-47(A)/2013



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

Ref. No. : RTI/P-537/(6810/13)/Appeal/5809  
Dated : 14-08-2013

16/8/13

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

16.8

Sr. As  
17/8

**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, 2, West Block, R.K. Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	15-06-2013	
3.	Details of the order appealed against	CPIO's letter F.No.08-138/CESTAT/CPIO-ND/NK/2013 dated 12-8-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	12-9-2013	
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 15-6-2013. <b>(Annexure-1)</b> (2) Copy of the CPIO's reply dated 08.03.2013 <b>(Annexure-2)</b> (3) Copy of the CPIO's reply dated 08.03.2013 <b>(Annexure-3)</b>	

197/55/115  
5/9/13

### BRIEF FACTS OF THE CASE

- (1) The Appellant has filed an application dated 15-06-2013 (**Annexure-1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
  - (A) *Please provide list of Show Causes Notices issued under Section 20 of the RTI Act, 2005 by CIC to the CESTAT officials from 01-10-2012 till the date of providing the information.*
  - (B) *Please provide copies of all replies given by CESTAT officials to the Show Cause Notices issued under Section 20 of the RTI Act, 2005 by CIC to CESTAT officials since 1st January 2013 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 by his order dated 08.03.2013 (**Annexure-2**) has not provided complete information as sought by the Appellant that merely enclosed certain papers forwarded to him by the Deemed CPIO, Shri S.C. Das. The CPIO has further by his letter dated 08.03.2013 (**Annexure-3**) forwarded the report of the Shri S.K. Verma, Deemed CPIO stating that no records are maintained for the purpose of the Show Cause Notice issued by CIC. The CPIO and Deemed CPIO are deliberately and malafidely delaying and denying the 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 point-wise information as sought by the Appellant but has merely forwarded the papers received from the Deemed CPIO. 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 Deemed CPIO Shri S.K. Verma has erred in denying the information on the ground that no records for the purpose of Show Cause Notice issued by the CIC is maintained whereas the other Deemed CPIO has provided the information in this respect . 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) The CPIO and Shri S.K. Verma, Deemed CPIO have 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 this complaint.
- (8) 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.

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

#### PRAYER

Under the circumstances, the Appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside 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 : 14-08-2013

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

Ref. No. : RTI/P-195/6810/13

Dated : 15-6-2013

To

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

Customs Excise & Service Tax  
Appellate Tribunal  
  
17 JUN 2013  
  
West Block No.-2, R.K. Puram,  
New Delhi-110066

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide list of Show Causes Notices issued under Section 20 of the RTI Act, 2005 by CIC to the CESTAT officials from 01-10-2012 till the date of providing the information.  (B) Please provide copies of all replies given by CESTAT officials to the Show Cause Notices issued under Section 20 of the RTI Act, 2005 by CIC to CESTAT officials since 1st January 2013 till the date of providing the information.  <b>Note:-Please provide point-wise information/response for each of above points.</b>
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 071102 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.	

17/6/13

*Appellate Tribunal  
date of receipt  
2nd of July  
Appellate Tribunal  
ne reply should  
Reply*

*\$ from demand CPIO of G.K. Verma of Show Cause Notice  
is enclose the copy of reply should be provided to appellate*

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

Place : New Delhi  
Encl. : as above

Annexure B 2


R1608138 / CESTAT / CPIO-ND / NIC / 2013  
CUSTOMS EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL, WEST BLOCK NO.2,  
R.K.PURAM, NEW DELHI: 110066.

Dt 12-8-13  
Id No. 08138/13

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. 6810  
Dt. 15-8-13 and our ID No. 08138/13 the information  
received from MSD Dab SPS containing 11 pages  
is endorsed herewith for your reference please.

You are, therefore, requested to please  
acknowledge the receipt and deposit, Rs. 22 (@2 per  
page) to this Tribunal by cash or DD in favour of  
Accounts Officer, CESTAT, New Delhi.



(Naresh Kumar)  
Dy. Registrar/CPIO

Annexure 2-3

R/1608-138 / CESTAT / CPIO-ND / NIC / 2013  
CUSTOMS EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL, WEST BLOCK NO.2,  
R.K.PURAM, NEW DELHI:110066.

Dt. 12/8/13

Id No. 813-8713

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. 6810  
Dt. 15-6-13 and our ID No. 813-8713, the information  
received from Shri Veena OR 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

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

Date of Hearing : 18.9.2013

Appeal No. 08-47(A)/2013  
CPIO ID No. 08-138/2013

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order...54/2013.....

Heard Shri R.K. Jain appellant in presence of Shri Naresh Kumar, CPIO.

2. Appellant filed additional documents on date of hearing. Appellant relies on Section 2(f) of the RTI Act which reads as under :-

2(f) " information" means any material in any form, including records, documents, memos, e- mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force".

Appellant states that any information can be asked for by the applicant from the public authority.

3. Appellant seeks only list of Show Cause Notice and copies of reply to the Show Cause Notice. CPIO should obtain reply from deemed CPIO Shri S.K. Verma and if Show Cause notice is issued then copy of reply to Show Cause Notice should also be provided to the appellant.

  
(Sahab Singh)

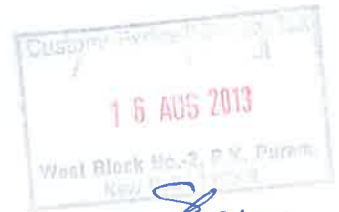
Appellate Authority under the RTI Act

To

1. Shri Naresh Kumar, Deputy Registrar/CPIO, CESTAT, New Delhi
2. Shri R.K. Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003.

08-40(A)/2013

~~08-40(A)/2013~~



3849/CR/13  
16/8/13

16/8/13

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

Ref. No. : RTI/P-537/(6640/13)/Appeal/5795

Dated : 12-08-2013

b.e.L  
16.8

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

S.S.  
19-8

**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)	15-05-2013	
3.	Details of the order appealed against	CPIO's letter F.No.08-116/CESTAT/CPIO-ND/NK/2013 dated 31-7-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	31-8-2013	
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 15-5-2013. (Annexure-1) (2) Copy of CPIO's letter dated 31.07.2013. (Annexure-2)	

196/55/13  
519/13

### BRIEF FACTS OF THE CASE

(1) The Appellant has filed an application dated 15-05-2013 (**Annexure-1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide list of all appeals, applications (including stay applications) pending as on 1-5-2013 or for any other date for all Benches of CESTAT including at Mumbai, Chennai, Kolkata, Ahmedabad & Bangalore. The information may be provided on CD for which a fee of Rs. 50/- is enclosed by way of Postal Order No. 70G 393034. If Digital Data is not available, please provide the information in whatever form it is available.*

(B) *Please provide list of Larger Bench cases pending as on 1-5-2013 for all Benches of CESTAT including at Mumbai, Chennai, Kolkata, Ahmedabad & Bangalore, with subject and last date of hearing and next date of hearing. The information may be provided in whatever form it is available and convenient to you.*

(C) *Please provide list of cases heard for all Benches of CESTAT including at Mumbai, Chennai, Kolkata, Ahmedabad & Bangalore, but orders (including reserved orders) not issued as on 17.5.2013 within 90 days of last hearings. Please provide information alongwith details of last hearing and Member who heard the matter. The information may be provided in the form it is available with 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) The CPIO by his order dated 31.07.2013 (Annexure-2) has denied the information as sought by the Appellant in relation to Single Member Bench. 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 information as sought by the Appellant in relation to the Single Member Bench of the CESTAT, New Delhi. Though, some of the other Benches have provided similar information. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That Shri S.K. Vemra, Deemed CPIO and Assistant Registrar, Single Member Bench has declined to provide information on the ground that it is not maintained in the CESTAT even though other Benches have provided similar 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.
- (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) The CPIO and Deemed CPIO Shri S.K. Verma have deliberately and malafidely denying the 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 a direct complaint to CIC.

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

#### PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside 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 : 12-08-2013

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

Ref. No. :RTI/P-195/6640/13

Dated : 15-5-2013

To

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

Customs Excise & Service Tax  
A  
15 MAY 2013  
West Block No.-2, R.K. Puram,  
New Delhi-110066

15/5/13

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	<p>(A) Please provide list of all appeals, applications (including stay applications) pending as on 1-5-2013 or for any other date for all Benches of CESTAT including at Mumbai, Chennai, Kolkata, Ahmedabad &amp; Bangalore. The information may be provided on CD for which a fee of Rs. 50/- is enclosed by way of Postal Order No.70G 393034. If Digital Data is not available, please provide the information in whatever form it is available.</p> <p>(B) Please provide list of Larger Bench cases pending as on 1-5-2013 for all Benches of CESTAT including at Mumbai, Chennai, Kolkata, Ahmedabad &amp; Bangalore, with subject and last date of hearing and next date of hearing. The information may be provided in whatever form it is available and convenient to you.</p> <p>(C) Please provide list of cases heard for all Benches of CESTAT including at Mumbai, Chennai, Kolkata, Ahmedabad &amp; Bangalore, but orders (including reserved orders) not issued as on 17.5.2013 within 90 days of last hearings. Please provide information alongwith details of last hearing and Member who heard the matter. The information may be provided in the form it is available with you.</p>

\* A  
 complete data  
 should be provided  
 in respect of all benches  
 B.C  
 with down  
 closed

\* A  
 complete data  
 should be provided  
 in respect of all benches

	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. 11F 068950 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

880/---6640

Annex 2

R1608116 / CESTAT / CP10-ND / NIC / 2013  
CUSTOMS EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL, WEST BLOCK NO.2,  
R.K. PURAM, NEW DELHI: 110066.

Dt 31-11-13  
Id No 08116113

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. 6646  
Dt. 15-11-13 and our ID No. 08116113 the information  
received from ARL Customs / S/Bmg containing 7+2=9  
pages is endorsed herewith for your reference please.

You are, therefore, requested to please  
acknowledge the receipt and deposit, Rs. 14400 (@2 per  
page) to this Tribunal by cash or DD in favour of  
Accounts Officer, CESTAT, New Delhi.

(Naresh Kumar)  
Dy. Registrar/CPIO.

V-5555

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

Date of Hearing : **18.9.2013**

**Appeal No. 08-48(A)/2013**  
**CPIO ID No. 08-116/2013**

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order...*55/2013*.....

Heard Shri R.K. Jain appellant in presence of Shri Naresh Kumar, CPIO.

2. In respect of para (A) complete data should be provided in respect of Delhi Bench. Appellant does not press the matter in respect of para (B) and (C).

  
(Sahab Singh)

Appellate Authority under the RTI Act

To

1. Shri Naresh Kumar, Deputy Registrar/CPIO, CESTAT, New Delhi
2. Shri R.K. Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003.

FAA

DYNO. 3636/CR-13  
2/8/13

82-4917/2013

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

Ref. No. : RTI/P-537/(4970/13)/Appeal/5775

Dated : 31-07-2013

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



**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 attached)	25-03-2013	
3.	Details of the order appealed against	CPIO's letter F.No. 08-58/CESTAT/CPIO-ND/NK/2013 dated 25-7-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	25-8-2013	
6.	If appeal in time	Yes	
7.	Copies of documents relied upon by the applicant	(1) Copy of RTI application dated 25-3-2013. (Annexure-1) (2) Copy of CPIO's letter dated 28-3-2013. (Annexure-2) (3) Copy of appellant's reminder dated 13-7-2013 (Annexure-3) (4) Copy of CPIO's letter dated 11-7-2013 (Annexure-4) (5) Copy of CPIO's letter dated 25-7-2013 (Annexure-5)	

SPS to  
Hon'ble PAA

2/8/13

191/55/13  
5/9/13

		(6) Copy of CPIO's letter dated 5-4-2013 <b>(Annexure-6)</b> (7) Copy of CPIO's letter dated 23-4-2013 <b>(Annexure-7)</b> (8) Copy of appellant's letter dated 30-3-2013 <b>(Annexure-8)</b>
--	--	--

### BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 25-03-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide copies of all the Supreme Court and High Court decisions, judgements, orders, directions degrees and records of proceedings received by the CESTAT Registry at Delhi from 01.01.2013 till 31-03-2013.*
- (B) *Please also provide copies of the Register/ Records being maintained regarding receipt of all such Orders, judgments, directions and degrees by the CESTAT Registry at Delhi from 01-01-2013 till date of providing 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 order dated 28-3-2013 (**Annexure-2**) directed the Deemed CPIOs to provide the information. The appellant by his letter dated 13-7-2013 (**Annexure-3**) reminded the CPIO to provide the information. The CPIOs and Deemed CPIOs have not provided the complete and correct information to the appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

### GROUND OF APPEAL



- (1) That the order in question of the 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 have deliberately and malafidely not provided the complete and correct information on the ground that such information is not maintained or available with them, whereas in the past such information has been provided by the Deemed CPIOs. 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 by his letter dated 11-7-2013 (Annexure-4) and letter dated 5-4-2013 (Annexure-6) provided list of the High Court and Supreme Court directions and decisions, this shows that the CPIOs and Deemed CPIOs are Holder of the information and the information is still with the Public Authority. 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 : 31-07-2013

Annex 1

5

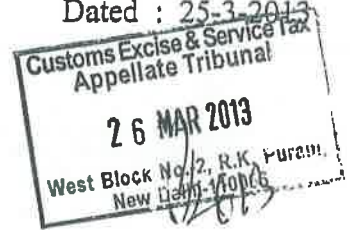
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/4970/13

Dated : 25-3-2013


To

Shri Kripa Shanker  
CPIO & Assistant 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	(A) Please provide copies of all the Supreme Court and High Court decisions, judgements, orders, directions degrees and records of proceedings received by the CESTAT Registry at Delhi from 01.01.2013 till 31-03-2013.  (B) Please also provide copies of the Register/ Records being maintained regarding receipt of all such Orders, judgements, directions and degrees by the CESTAT Registry at Delhi from 01-01-2013 till date of providing information.  <b>Note:- Please provide pointwise information / response for each of above points.</b>
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 028690 for Rs.10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.	
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.	

*to CPIOs  
allow to  
of points  
to provide*

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

Place : New Delhi  
Encl. : as above  
uk/-4970

Annex 2

6

**F.No. 08-58/CESTAT/CPIO-ND/KS/2013**  
**Customs Excise & Service Tax Appellate Tribunal**  
**West Block-2, R.K. Puram**  
**New Delhi-66**

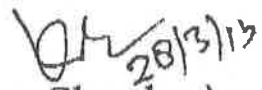
Dated: 28/03/2013  
 I.D. No. 08-58/2013

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

Sir,

Shri. R.K.Jain has filed R.T.I. application No. RTI/P-195/4970/2013 dated 25/03/2013(received on 26/03/2013) wherein the applicant has sought information relating to points as mentioned therein. (Copy enclosed)

Therefore, in terms of the provisions of Section 5 (4)r/w Section 5(5)& 6(3) of RTI Act, 2005 the RTI application dated 25/03/2013 is hereby transferred to the following officers with the request to provide the information latest by 12/04/2013, so as to enable the undersigned to forward the information to the applicant within the stipulated period.

  
 (Kripa Shankar)

Asst. Registrar/CPIO

Encls: As above

To,

- 1 Shri S.K.Verma, Assistant Registrar (S.M Branch) with the request to provide point wise information relating to Point A & B of the RTI application of the applicant.
- 2 Shri Mukesh Gupta, Assistant Registrar (Excise Branch) with the request to provide point wise information relating to Point A & B of the RTI application of the applicant.
- 3 Shri Kripa Shankar, Assistant Registrar (Cutsoms Branch) with the request to provide point wise information relating to Point A & B of the RTI application of the applicant.

Copy to:-

Sh. R.K. Jain, 1512-B, Bhishm Pitamah Marg, WazirNagar, New Delhi-110 003.

ok

Annex 3

7

**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-195/4970/13/R6665

13-07-2013

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

Customs Excise & Service Tax  
Appellate Tribunal  
15 JUL 2013  
West Block No. 2, R.K. Puram,  
New Delhi-110066

Sub: My RTI Application No. RTI/4970/13, dated 25/3/2013

Dear Sir,

This refers to your letter F.No. 08-58/CESTAT/CPIO-ND/N.K./2013 dated 11-7-2013. You have sent a report from the Deemed CPIO of Excise Branch wherein I have been advised to collect the information from Record Section. In these circumstances, you are requested to obtain the information from Record Section and provide the same.

So far no information has been provided by the Customs Branch for point (B) of my RTI application. As regards information for point (A), the same may also be obtained from the Record Section and provide it to me

Thanking you,

Yours faithfully,



[R.K. Jain]

Annexure 4 (8)

R.No. 08-58 / CESTAT / 2010-ND / NIC / 2013  
CUSTOMS EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL, WEST BLOCK NO.2,  
R.K.PURAM, NEW DELHI: 110066.

Di 11-7-13  
Id No. 58/13

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. 4970  
Dt. 26/3/13 and our ID No. 8-58/13 the information  
received from AR Excise containing     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

V-5252

**EXCISE BRANCH**

**ID No. 08-58/2013**

To

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

With reference to your letter No. ID/08-58/2013 dated 28.05.2013 and reminder No.3 dated 05/07/2013.

967  
11/7/13

In reference to required information placed below.

- 4(A) copy of all the Supreme Court and High Court decisions in which any date has already fixed the same has been placed in concerned file and remaining dak has been sent to record section, the same may be collect from record section.
- 4. (B) copies of the register /records being maintained regarding Receipt of all such orders is enclosed herewith.

Encl: 5 Pages.  
S.No. 1-32.

  
11.7.13  
Assistant Registrar  
Excise Branch  
11.07.2013

1000 122 to 129 at Payroll 46-49

Case Robert vs. District - 1987-1988

Jan 2013 - 2013

11/1/13 60 A 113/2005 CCE Insubordination High Court Allowed

19/10/13 19/10/13 Ms. Patten vs. Patten w. C. v. Appeal no. 123/2005 Allowed

19/2/13 19/2/13 CCE v. MPA v. BSA C. v. Appeal no. 05/2005 Allowed

24/10/13 High Court of Rajasthan B. Jayu vs. D.B. v. v. Appeal no. 137/2007 Dismissed

25/4 25/4 D.B. vs. D.B. 139/2007 Dismissed

18/5 18/5 D.B. vs. D.B. 131/2007 Dismissed

13/8/13 13/8/13 D.B. vs. D.B. 136/2007 Dismissed



High Court of Rajasthan at Jaipur  
DB Civil Appeal No 92/2009

Dasmusa

DB Civil Appeal No 132/2009  
Dasmusa

DB Civil Appeal No 134/2009  
Dasmusa

DB Civil Appeal No 135/2009  
Dasmusa

Supreme Court 18/24/2012  
DB Civil Appeal No 5981/2012  
Date: 17/12/12  
Civ. Appeal No. 17/12/12

Civil Appeal No. 1426/2012 - Supreme Court of India  
Date: 23/10/13

Civil Appeal No. 9143-A/104/2012 - Supreme Court of India  
Date: 18/11/13

Supreme Court  
Civil Appeal No. 8684/2012  
Date: 28/10/13  
Civil Appeal No. 9448-4449/2013

24/01/13

FA 8538-545/2007-CC Jaipur  
Hindustan Zinc  
16

DB Civil Appeal No. 132/2009  
Dasmusa

DB Civil Appeal No. 134/2009  
Dasmusa

DB Civil Appeal No. 135/2009  
Dasmusa

18/01/13  
No. 762/2012  
Vanasthal  
Tepkhar  
CIVIL Appeal

February - 07/2013

12/04/2009  
FA 23/12  
Agarwal  
CIVIL Appeal

08/02/09

12/04/2009  
FA 75/2009 - A/C  
Infraction -  
CIVIL Appeal

10/04/2012  
FA 762/2012  
M/s Vanasthal  
CIVIL Appeal

Plam See  
S.No. No 15

11/02/13

8P ✓ 4/28/2010

60-767/2012

vanstine Reple  
holy m  
w  
CCE Jaffer

11/24/13

16 ✓ 4/14/2002

60-352/13

CCE Chandya  
Lawson Eggs

13/02/13

17 ✓ 4/28/2011

60-119/12  
60-1494/12

NIS Gayal Gays  
Pub. Ed.  
CCE Chandya

14/02/13

18 ✓ 4/9/2009

60-1494/12

CCE Jaffer  
Bhalawan  
Pocanna P. M.

18/02/13

19 ✓ 4/14/2002

60-A/35/03

CCE Chandya  
Lawson Eggs

22/02/13

20 ✓ 4/29/2006

60-A/775-785/2011

Antonshe holi  
Paramshur  
start  
Meharjansheli  
Rudrup

② 4/31/2007

③ 4/12/2006

④ 4/29/07

⑤ 4/22/07

Ray Gupta

Renny Sled

CCE Madam

(E)

Civil Appeal No. 446/2013

Supreme Court of  
India

Dismiss

DN-598/2012

dt-28/1/13

Civil Appeal No. 5566/2003

Supreme Court of India

Dismiss

D No. 865/2003/16

dt. 30/01/13

CEA No 38/2013

Purnas & Kareena  
High Court

Dismiss

CEA No. 18/2012

Friedha High Court  
W. Jadhav

infunction

CEA No. 5566/2003

Supreme Court of India

Dismiss

D N. 865/2003

dt. 07/02/13

CEA No. 7, 20, 9, 28, 29/2012

High Court of  
Punjab &  
Haryana

Dismiss

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

Date of Hearing : 18.9.2013

Appeal No. 08-49(A)/2013  
CPIO ID No. 08-58/2013

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order.....56/2013....

Heard Shri R.K. Jain appellant in presence of Shri Naresh Kumar, CPIO.

2. CPIO is directed to allow the inspection of records.



(Sahab Singh)

Appellate Authority under the RTI Act

To

1. Shri Naresh Kumar, Deputy Registrar/CPIO, CESTAT, New Delhi
2. Shri R.K. Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003.

EAA  
Dy No. 3637/CR-13  
2/8/13

08-50(A)/2013

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

Ref. No. : RTI/P-537/(6961/13)/Appeal/5774

Dated : 31-07-2013

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



SPS to  
Hon'ble PAA

**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)	13-07-2013	
3.	Details of the order appealed against	CPIO's letter F.No. 08-156/CESTAT/CPIO-ND/NK/2013 dated 25-7-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	25-8-2013	
6.	If appeal in time.	Yes	
7.	Copies of documents relied upon by the applicant	(1) Copy of RTI application dated 13-7-2013. (Annexure-1) (2) Copy of CPIO's letter dated 16-7-2013. (Annexure-2) (3) Copy of Registrar's letter dated 25-7-2013 (Annexure-3)	

Sr AS  
2/8

190/ss/13  
5/9/13

### BRIEF FACTS OF THE CASE

(1) The appellant has filed an application dated 13-07-2013 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide date and dairy Number under which the MOF (DOR) Letter No. 50050/10/2013/Ad.IC dated 27-5-2013 has been received in the Central Registry and mode of its receipt. Please provide copy of the relevant Register or the Computer printout*

(B) *Please provide date and dairy Number under which the MOF (DOR) Letter No. 50050/10/2013/Ad.IC dated 27-5-2013 has been sent by Central Registry to the Registrar, Assistant Registrar (Admin) and SPS to the President. Please provide copy of the relevant Register or the Computer printout.*

(C) *Please provide date and dairy Number under which the MOF (DOR) Letter No. 50050/10/2013/Ad.IC dated 27-5-2013 has been sent by the Registrar to the SPS of Hon'ble President or placed before the Hon'ble President, CESTAT. Please provide copy of the relevant Register or the Computer printout.*

(D) *Please provide date and dairy Number under which the MOF (DOR) Letter No. 50050/10/2013/Ad.IC dated 27-5-2013 has been returned by the SPS of Hon'ble President to the Registrar. Please provide copy of the relevant Register or the Computer printout.*

(E) *Please provide the date on which the matter was placed before the Hon'ble President of the CESTAT.*

(F) *Please provide the date on which the President's comments has been forwarded to Department of Revenue, Ministry of Finance.*

(G) *After providing the above information, please provide inspection of all Registers, records, documents, note-sheets and files relating to the information as referred to in point (A) to (F) above. Please provide*

*inspection of complete file(s) even if they contain part of the information.*

***Note : (1). The Applicant is the Complainant in the matter, and needs the above information for providing further assistance in the matter which involves alleged large scale corruption and accumulation of assets beyond known source of income by CESTAT Members, therefore, the information is sought in larger public interest and is not exempted from disclosure.***

***(2) Please provide point-wise information/ response for each of above points.***

- (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 by his order dated 16-7-2013 (Annexure-2) transferred the application in question to various Officials of the CESTAT including the Registrar, CESTAT, who by his order dated 25-7-2013 (Annexure-3) has denied the information claiming exemption under section 8(1)(h). 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 Ld. CPIO has erred in not appreciating that on the complaint and

representation of the appellant, the Inquiry Committee Report submitted by Mrs. Archana Wadhwa has been reversed and the matter has been remanded for fresh inquiry. Therefore the communication regarding the quashing the Inquiry Report cannot be withheld from the appellant under section 8(1)(h) of the RTI Act. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

- (4) That so far no Inquiry Officer has been appointed in the matter. Therefore the provisions of section 8(1)(h) are not applicable to the present case. 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 even if it is assumed that an inquiry is pending still the CPIO has erred in not appreciating that the appellant is the complainant in the matter therefore, disclosure of information regarding the investigation on his complaint would not and cannot impede any investigation, rather the appellant would be providing further assistance to the authorities in contending the malpractices and corruption in the Central Excise and Customs Deptt. 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 even if it is assumed that investigation in the matter is still pending, the key issue for consideration in that case would be whether disclosure of information sought by the appellant/complainant would, in any way, impede the process of said inquiry/investigation as claimed by the First Appellate Authority or not. The Hon'ble Delhi High Court in Addl. Commissioner of Police (Crime) Vs CIC; W.P(C). No. 7930 of 2009 while dealing with the provision of this section had made following observations:

*"85. Mere pendency of investigation, or apprehension or prosecution of offenders is not a good ground to deny information. Information, however, can be denied when furnishing of the same would impede process of investigation,*

*apprehension or prosecution of offenders. The word —impedell indicates that furnishing of information can be denied when disclosure would jeopardize or would hamper investigation, apprehension or prosecution of offenders. In Law Lexicon, Ramanatha Aiyar 2nd Edition 1997 it is observed that —the word —impedell is not synonymous with \_obstruct'. An obstacle which renders access to an inclosure inconvenient, impedes the entrance thereto, but does not obstruct it, if sufficient room be left to pass in and out. \_Obstruct' means to prevent, to close up.”*

*“86. The word —impede therefore does not mean total obstruction and compared to the word \_obstruction' or \_prevention', the word \_impede' requires hindrance of a lesser degree. It is less injurious than prevention or an absolute obstacle. Contextually in Section 8(1)(h) it will mean anything which would hamper and interfere with procedure followed in the investigation and have the effect to hold back the progress of investigation, apprehension of offenders or prosecution of offenders. However, the impediment, if alleged, must be actual and not make belief and a camouflage to deny information. To claim exemption under the said Sub-section it has to be ascertained in each case whether the claim by the public authority has any reasonable basis. Onus under Section 19(5) of the RTI Act is on the public authority. The Section does not provide for a blanket exemption covering all information relating to investigation process and even partial information wherever justified can be granted. Exemption under Section 8(1)(h) necessarily is for a limited period and has a end point i.e. when process of investigation is complete or offender has been apprehended and prosecution ends. Protection from disclosure will also come to an end when disclosure of information no longer causes impediment to prosecution of offenders, apprehension of offenders or further investigation.”*

(7) That in another matter of Bhagat Singh Vs CIC; W.P. (C) No. 3114/2007; dated 03.12.2007 the Hon'ble Delhi High Court had observed as follows:

*“Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore be strictly construed. It should not be interpreted in manner as to shadow the very right itself. Under Section 8, exemption from releasing information is granted if it would impede the process of investigation or the prosecution of the offenders. It is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding*



*information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material. Sans this consideration, Section 8(1)(h) and other such provisions would become the haven for dodging demands for information”*

- (8) That as per the above judgments of Hon'ble Delhi High Court mere pendency of an investigation cannot be the ground for denial of information under section 8(1)(h). The disclosure of such information must 'impede' the process of investigation. Hon'ble Court has further clarified that word 'impede' does not mean a total 'obstruction'. It is less injurious than prevention. Further it does not provide for blanket exemption from providing information relating to investigation process. Even partial information wherever justified needs to be disclosed. Further, onus to prove that denial is justified is on the public authority. However, unfortunately in the present case neither the CPIO nor the First Appellate Authority has properly examined the contents of the information in question. Both of them had acted on the basis of their preconceived notion that the information sought by the appellant/complaint is exempt u/s 8(1)(h) of the RTI Act since it relates to a matter which is under examination of the Board, and illegally denied complete information to the appellant/complainant.
- (9) That further, as observed by the Hon'ble Delhi High Court in the above quoted judgment, the onus to prove that a denial is justified shall be on the CPIO as per section 19(5) of the RTI Act. But, in the instant case, nowhere in the order of the CPIO denial of information has been justified. He did not even indicate a single reason which made him believe that disclosure of information would impede the process of investigation/examination. The First Appellate Authority also did not give any such reason in support of his denial and made a very inane statement that disclosure of information may influence the decision of the competent

authority as if he did not have a faith on the wisdom of the competent authority.

- (10) That the CPIO has erred in not applying the provisions of section 10 of the RTI Act, 2005 about severability of information, rather to deny the entire 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.
- (11) That the Ld. CPIO has erred in not appreciating that the Hon'ble First Appellate Authority in one of the recent appeals has ordered disclosure of information under RTI to a Applicant who is complainant in the matter. 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.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (16) 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 : 31-07-2013

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

Ref. No. :RTI/P-195/6961/13

Dated : 13-7-2013

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 date and dairy Number under which the MOF (DOR) Letter No. 50050/10/2013/Ad.IC dated 27-5-2013 has been received in the Central Registry and mode of its receipt. Please provide copy of the relevant Register or the Computer printout</p> <p>(B) Please provide date and dairy Number under which the MOF (DOR) Letter No. 50050/10/2013/Ad.IC dated 27-5-2013 has been sent by Central Registry to the Registrar, Assistant Registrar (Admin) and SPS to the President. Please provide copy of the relevant Register or the Computer printout.</p> <p>(C) Please provide date and dairy Number under which the MOF (DOR) Letter No. 50050/10/2013/Ad.IC dated 27-5-2013 has been sent by the Registrar to the SPS of Hon'ble President or placed before the Hon'ble President, CESTAT. Please provide copy of the relevant Register or the Computer printout.</p> <p>(D) Please provide date and dairy Number under which the MOF (DOR) Letter No. 50050/10/2013/Ad.IC dated 27-5-2013 has been returned by the SPS of Hon'ble President to the Registrar. Please provide copy of the relevant Register or the Computer printout.</p> <p>(E) Please provide the date on which the matter</p>

*for de request of C to F. appellation of information want to know date of letter. This appellation shall be provided.*

to

		<p>was placed before the Hon'ble President of the CESTAT.</p> <p>(F) Please provide the date on which the President's comments has been forwarded to Department of Revenue, Ministry of Finance.</p> <p>(G) After providing the above information, please provide inspection of all Registers, records, documents, note-sheets and files relating to the information as referred to in point (A) to (F) above. Please provide inspection of complete file(s) even if they contain part of the information.</p> <p><b>Note : (1). The Applicant is the Complainant in the matter, and needs the above information for providing further assistance in the matter which involves alleged large scale corruption and accumulation of assets beyond known source of income by CESTAT Members, therefore, the information is sought in larger public interest and is not exempted from disclosure.</b></p> <p><b>(2) Please provide point-wise information/ response for each of above points.</b></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 108332 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 <b>within 30 days of the Application.</b>	



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

Place : New Delhi

Encl. : as above

Na/6961

Annex 2

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

Dated: \_\_\_\_\_  
ID No. \_\_\_\_\_

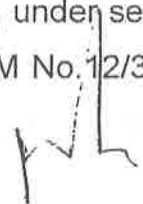
Subject: Information sought under RTI Act, 2005.

Sir,

Please refer to RTI application of Shri/Smt. R. K. Jain  
under RTI Act 2005 vide No. 6161 dated 13-1-13 (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. 6961 dated 13-1-13 CPIO ID No. 08156/13 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide the correct and parawise information/inspection  
on or before 24-7-13 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
  2. S.P.S. To Prasad
  3. Technical Officer (R)
  4. Asst. Registrar Administration
  5. \_\_\_\_\_
  6. \_\_\_\_\_
- Copy to Shri R. K. Jain 1572B Bhikma Prasad  
Area, Wazirpur, New Delhi-110013

V-5311

P.No. 08-156/CESTAT/CPIO-ND/NIC/2013  
 CUSTOMS EXCISE AND SERVICE TAX  
 APPELLATE TRIBUNAL, WEST BLOCK NO.2,  
 R.K PURAM, NEW DELHI: 110066.

Dt 25-7-13  
 Id No. 08156/13

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. 6961/13  
 Dt. 23/7/13 and our ID No. 08156/13 the information  
 received from Registrar 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

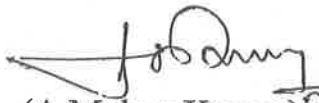
08-156/13

ID No. 08-156/13

Subject : - Information sought under RTI Act, 2005- reg.

Please refer your letter F.No. 08-156/13/CESTAT/CPIO-ND/NK/2013 dated 23.07.2013, I.D. No. 08-156/2013 wherein RTI application no. 6961 dt. 13/07/13 of Shri R.K. Jain seeking certain information.

With reference to points C to G in the above RTI, it is to inform that since the matter is under inquiry by the competent authority the information sought by the applicant is exempted under section 8(1) h. This may be conveyed to the RTI applicant.

  
(A.Mohan Kumar) 24/7  
Registrar

✓  
To

The CPIO/Dy. Registrar  
CESTAT, Delhi.

1087  
25/7/13



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

Date of Hearing : **18.9.2013**

Appeal No. 08-50(A)/2013  
CPIO ID No. 08-156/2013

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order... 5.7/2013.....

Heard Shri R.K. Jain appellant in presence of Shri Naresh Kumar, CPIO.

2. In respect of para (A) & (B) – Information is provided. In respect of C to F, appellant has not asked the copy of the letters and simply wants to know date and diary number of movement of the letter. This information should be provided to the appellant.

  
(Sahab Singh)

Appellate Authority under the RTI Act

To

1. Shri Naresh Kumar, Deputy Registrar/CPIO, CESTAT, New Delhi
2. Shri R.K. Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003.