

Dy No. 1842/CR-13
22/4/13

08-10(A)/2013

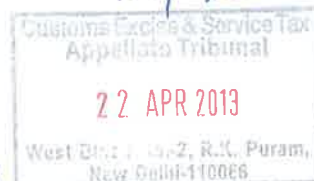
First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-537/(6510/13)/Appeal/5577

Dated : 18-04-2013

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 Kripa Shanker, CPIO & Assistant 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)	10-04-2013	
3.	Details of the order appealed against	CPIO's Letter F.No.08-87/CESTAT/CPIO-ND/NK/2013 dated 11-04-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	11-05-2013	
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 10-04-2013 (Annexure-1) (2) Copy of CPIO's Letter dated 10-04-2013 (Annexure-2) (3) Copy of Appellant's Letter dated 13-04-2013 (Annexure-3) (4) Copy of Appellant's Letter dated 13-04-2013 (Annexure-4) (5) Copy of Appellant's Letter dated 13-04-2013 (Annexure-5) (6) Copy of Deemed CPIO's order dated 11-04-2013 (Annexure-6)	

SPS to
Hon'ble
Member (T)

23/4

146/58/13
24/5

BRIEF FACTS OF THE CASE

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

(A) Please provide following information in relation to the Inquiry held in the matter of S.K. Verma in Memo dated 22-06-2007 in File No. 24(2)/DISCP/CESTAT/SKV/Admin-2007 and report submitted by Mrs. Archana Wadhwa:-

- (i) Provide List of Witnesses, documents, and copies of any written submissions, rejoinders moved/filed by Shri Raj Kumar as Presenting Officer.*
- (ii) Provide certified copies of the communications sent by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer to various authorities in relation to aforesaid inquiry and copies of communications received by them*
- (iii) Details of the tours undertaken by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer and copies of bills submitted and Tour Orders.*
- (iv) Provide copies of Reports obtained or called for by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer in relation to above Inquiry.*
- (v) Provide Copies of documents which were filed by Shri SK Verma during the aforesaid inquiry.*

Note: -

(1). Shri Raj Kumar, SPS and Presenting Officer and Mrs Archana Wadhwa Honourable Member Judicial And Inquiry Officer are also the holder of the information. Therefore, this application may also be forwarded to them under section 5(4) and 5(5) of the RTI Act.

(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) That the CPIO by his letter dated 10-04-2013 (**Annexure-2**) transferred the aforesaid application to, SPS to Ms. Archana Wadhwa, Shri Raj Kumar, SPS and

Presenting Officer and Assistant Registrar, Administration. The Appellant by his letters dated 13-04-2013 (**Annexures-3 to 5**) requested the Deemed CPIOs to provide the information. SPS to Mrs. Archana Wadhwa. by her order dated 11-04-2013 (**Annexure-6**) denied the information whereas Shri Raj Kumar, Deemed CPIO and Presenting Officer as well as Shri Mukesh Gupta, Assistant Registrar, Administration have not so far provided 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 Deemed CPIO Ms. Seema Sadana, SPS to Mrs. Archana Wadhwa has not provided point-wise information as requested by the Appellant. She has denied the information not being available with them whereas the part of the information was available. In relation to the information which is stated to have been available with other officers of the CESTAT, the Deemed CPIO should have forwarded/transferred the application to the holder of the information. Therefore, the order of the Deemed CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That the Deemed CPIO Shri Raj Kumar, SPS and Presenting Officer and Shri Mukesh Gupta, Assistant Registrar, Administration neither provided any information nor responded to the RTI Application of the Appellant. Therefore, the action of Deemed CPIO's 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 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 : 18-04-2013

.o/c
Answer 1

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

Ref. No. :RTI/P-195/6510/13

Dated : 10-4-2013

To

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



vijay k
10/4/13

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 following information in relation to the Inquiry held in the matter of S.K. Verma in Memo dated 22-06-2007 in File No. 24(2)/DISCP/CESTAT/SKV/Admin-2007 and report submitted by Mrs. Archana Wadhwa :-</p> <p>(i) Provide List of Witnesses, documents, and copies of any written submissions, rejoinders moved/filed by Shri Raj Kumar as Presenting Officer.</p> <p>(ii) Provide certified copies of the communications sent by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer to various authorities in relation to aforesaid inquiry and copies of communications received by them</p> <p>(iii) Details of the tours undertaken by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer and copies of bills submitted and Tour Orders.</p> <p>(iv) Provide copies of Reports obtained or called for by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer in relation to above Inquiry.</p> <p>(v) Provide Copies of documents which were filed by Shri SK Verma during the aforesaid inquiry.</p>

CPIO's directed to allow inspection of all records folder and documents related to Inquiry report to CPIO (A) of the application dated 22/5/13
15 days

		<p>Note: -</p> <p>(1) Shri Raj Kumar, SPS and Presenting Officer and Mrs Archana Wadhwa Honourable Member Judicial And Inquiry Officer are also the holder of the information. Therefore, this application may also be forwarded to them under section 5(4) and 5(5) of the RTI Act.</p> <p>(2) Please provide point-wise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 029332 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

11/04/2010

rv

Annexure 2

FNo. 8-87 /CESTAT/CPIO-ND/NK/2013
Customs Excise and Service Tax Appellate Tribunal,
West Block No.2, R.K. Puram, New Delhi: 110066.

Dated. 15/11/13
ID No. 8-87/13

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to Sh./Smt. R.K. Jain
application under RTI Act 2005 vide No. 6510 dated
15/11/13 (copy enclosed) wherein certain
information are sought as mentioned therein is related
to your section.

Therefore, in terms of the provisions of Section 5(4)
read with Section 5(5) of RTI Act 2005 the RTI
application No. 6510 dated 15/11/13 CPIO
ID No. 8-87/13 is forwarded herewith to the following
officers as deemed CPIO with the request to provide the
information/inspection on or before 26/11/13, directly
to the applicant and intimate the undersigned within the
stipulated time..

(Naresh Kumar)

Dy. Registrar/CPIO

Encl. As above.

1. SPS Mr. Anshu Wadhwa M.C.J.

2. Sh. Raj Kumar S.P.S.

3. Asst. Registrar Administration

4. 1

5. 1

Copy to Sh. R.K. Jain 1512B B.L. Sharma Pitambara
Margi Wagon Nagan, New Delhi-3

26/11/13
10/11/13

V-4134

0/2
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, Bhishm Pitamah Marg,
Opp. ICICI Bank of Defence Colony,

NEW DELHI - 110 003.

PHONE : 24651101

MOBILE : 9810077977



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

Sub: My RTI Application No. RTI/6510/13, dated 10/4/2013

Dear Sir,

This refers to the letter F.No.08-87/CESTAT/CPIO-ND/NK/2013 dated 10-04-2013 of Shri Naresh Kumar, Dy.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]

o/c

Annu

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

Excise, Customs & Service Tax Consultant
and author of

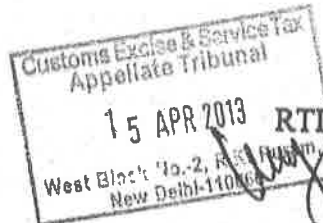
CENTRAL EXCISE LAW GUIDE

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-195/6510/13/R5753
13-04-2013

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

Sub: My RTI Application No. RTI/6510/13. dated 10/4/2013

Dear Sir,

This refers to the letter F.No.08-87/CESTAT/CPIO-ND/NK/2013 dated 10-04-2013 of Shri Naresh Kumar, Dy.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]

O/C

Annexure 5

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 &

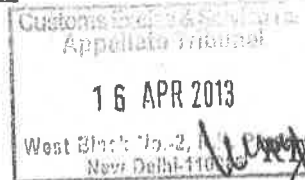
EXIM POLICY AND HANDBOOK OF PROCEDURE

1512-B, Bhishm Pitamah Marg,
Opp. ICICI Bank of Defence Colony,

NEW DELHI - 110 003.

PHONE : 24651101

MOBILE : 9810077977



RTI/P-195/6510/13/R5751

13-04-2013

SPS to Hon'ble Ms. Archana Wadhwa,
Member Judicial,
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K. Puram,
New Delhi - 110066

Sub: My RTI Application No. RTI/6510/13, dated 10/4/2013

Dear Sir,

This refers to the letter F.No.08-87/CESTAT/CPIO-ND/NK/2013 dated 10-04-2013 of Shri Naresh Kumar, Dy.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]

Annexure 6

PNB08-87/CESTAT/CP10-ND/NIC/2013

CUSTOMS EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, WEST BLOCK NO.2,
R.K.PURAM, NEW DELHI:110066.

Dt. 11/4/13

Id No. 08-87/13

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. 6510
Dt. 10/4/13 and our ID No. 08-87/13 the information
received from SPS to Mrs. Archana Wadhwa 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.

Copy to Registrar CESTAT.

(Naresh Kumar)
Dy.Registrar/CPIO

08-87/13

To

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

Sir,

With reference to F.No. 08-87/CESTAT/ CPIO-ND/ NK/2013 dated 10.4.2013 (ID NO. 08-87/2013) regarding information sought under the RTI Act 2005, it is submitted as under:

With reference to inquiry in the matter of Shri S.K. Verma in F.No.24(6)CESTAT/SKV-AR/Admn-09 dated 13.10.11 relating to Memo issued in F.No.24(2)/Discp/CESTAT/SKV/Admn/2007, the inquiry report was submitted on 3.2.2012 to the Hon'ble Vice President (HOD) through Registrar along with assessment and findings as also original file containing charge-sheet, examination of witnesses, reply all oral/ documentary evidences and written briefs of the Charged Officer etc.

As the file along with its enclosures has already been submitted, the information as sought for is not with us.

For information please.

201/Asstt/13
11/4/13
Dated: 11.4.2013

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

3

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

Date of Hearing : 22.5.2013

Appeal No. 08-10(A)/2013
CPIO ID No. 08-87/2013

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order.....16/2013...

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

2. CPIO is directed to allow inspection of all records, folders and documents related to Inquiry Report referred in para (A) of the application within 15 days.



(Sahab Singh)

Appellate Authority under the RTI Act

To


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

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

ISSUED ON 26-5-2013
SIGNATURE 

DMO-1841/ER-13
22/4/13

0809(A)/2013

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

Ref. No. : RTI/P-537/(4976/13)/Appeal/5570

Shy k...
Dated : 19-04-2013

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 Member (T)
22/4

Customs, Excise & Service Tax
Appellate Tribunal

22 APR 2013

24/04/13 vijay kumar 22/4/13

A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri Kripa Shanker, CPIO & Assistant 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)	26-03-2013	
3.	Details of the order appealed against	CPIO's Letter F.No.08-59/CESTAT/CPIO-ND/NK/2013 dated 09-04-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	09-05-2013	
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 26-03-2013 (Annexure-1) (2) Copy of CPIO's Letter dated 28-3-2013 (Annexure-2) (3) Copy of appellant's letter dated 30-3-2013 (Annexure-3) (4) Copy of CPIO's letter dated 9-4-2013 (Annexure-4)	

150/SS/13
25/5

BRIEF FACTS OF THE CASE

- (1) The appellant has filed an application dated 26-03-2013 (**Annexure - 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) Please provide certified copy of the letter received from the office of the Commissioner of Central Excise, Bangalore-I regarding the complaint made by the Residents of Building B-7, New Yelahanka Town, Phase-V, Bangalore against Shri S.K. Verma in the year 2009.
 - (B) Please also provide date-wise details of the action taken on the communication of the Commissioner of Central Excise, Bangalore-I as referred to in point (A) above.
 - (C) In case no communication was received from the Office of the Commissioner of Central Excise, Bangalore-I as referred above, kindly confirm the same.
 - (D) Please also confirm whether any communication was received from Member (Judicial)/Member (Technical), CESTAT, Bangalore or Shri S.K. Verma himself in relation to the complaint of the Residents of Building B-7, New Yelahanka Town, Phase-V, Bangalore against Shri S.K. Verma. Please also provide certified copies of the said communications and date-wise details of the action taken thereon with File No. and copies of relevant note-sheets.
 - (E) Please provide date-wise details of the action taken my letter No. RTI/P-195/3430/11/R2740, dated 07-02-2012.
- (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 28-3-2013 (Annexure-2) forwarded the subject application to the Assistant Registrar (Admn.). The appellant by his letter dated 30-3-2013 (Annexure-3) also informed Shri Mukesh Gupta, Assistant Registrar, Admn. to provide the information. The CPIO by his order dated 9-4-2013 (Annexure-4) provided incomplete and irrelevant information even though the appellant has sought point-wise information. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUNDS OF APPEAL

- (1) That the order in question of the 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 appellant in point (A) sought the copy of the complaint made by the

resident of building B-7, New Yalahanka Town, Phase-V, Bangalore, against Shri S.K. Verma in the year 2009. The CPIO has not provided the copies of the aforesaid complaint but rather provided copies of the correspondence relating to allotment of quarter. This has been done by the CPIO to obstruct the information without any reasonable cause. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

- (4) That the CPIO has not provided any information in relation to point (D) to (E). Neither he has denied the existence of information nor refused the information claiming any exemption. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (5) That the CPIO has failed to provide point-wise information as specifically sought by the appellant in his RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (6) That The CPIO has deliberately and malafidely provided 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 appellant reserves his right to make direct complaint to CIC in this respect.
- (7) That the information in question is held by the CPIO as Shri S.K. Verma in his communication has himself admitted that resident of building B-7, New Yalahanka Town, Phase-V, Bangalore, made a complaint against him in the year 2009. 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.
- (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.
- (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 : 19-04-2013

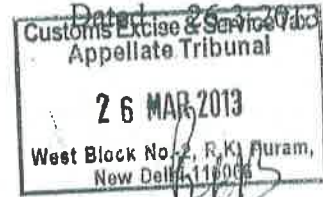
0/C
Annexure 1

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

Ref. No. :RTI/P-195/4976/13

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	<p>(A) Please provide certified copy of the letter received from the office of the Commissioner of Central Excise, Bangalore-I regarding the complaint made by the Residents of Building B-7, New Yelahanka Town, Phase-V, Bangalore against Shri S.K. Verma in the year 2009.</p> <p>(B) Please also provide date-wise details of the action taken on the communication of the Commissioner of Central Excise, Bangalore-I as referred to in point (A) above.</p> <p>(C) In case no communication was received from the Office of the Commissioner of Central Excise, Bangalore-I as referred above, kindly confirm the same.</p> <p>(D) Please also confirm whether any communication was received from Member (Judicial)/Member (Technical), CESTAT, Bangalore or Shri S.K. Verma himself in relation to the complaint of the Residents of Building B-7, New Yelahanka Town, Phase-V, Bangalore against Shri S.K. Verma. Please also provide certified copies of the said communications and date-wise details of the action taken thereon with File No. and copies of relevant note-sheets.</p>

Appellate
to
22/5/13

withdrawn
22/5/13

		<p>(E) Please provide date-wise details of the action taken my letter No. RTI/P-195/3430/11/R2740, dated 07-02-2012.</p> <p>Note:- Please provide pointwise information / response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 11F 028624 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

uk/-4976

Annex 2

F.No. 08-59/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. 08-59/2013

Sub: Information sought under RTI Act 2005-reg.

Sir,

Shri. R.K.Jain has filed R.T.I. application No. RTI/P-195/4976/2013 dated 26/03/2013 (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 26/03/2013 is hereby transferred to Shri. Mukesh Gupta, Assistant Registrar (Admn) 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.

[Signature] 28/3/13

(Kripa Shankar)
 Asst. Registrar/CPIO

Encls: As above

To,

C.E. R. 28/3/13

- 1 Shri Mukesh Gupta, Assistant Registrar (Admn Branch) with the request to provide point wise information relating to Point A to E of the RTI application of the applicant.

Copy to:-

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

o/c

o/c

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, Bhishm Pitamah Marg,
Opp. ICICI Bank of Defence Colony,

NEW DELHI - 110 003.

PHONE : 24651101

MOBILE : 9810077977

RTI/P-195/4976/13/R5652
30-03-2013

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

Cust. Excise & Service Tax Appellate Tribunal
1 APR 2013
West Block 2, R.K.Puram

Vijay Kumar
1/4/13

Sub: My RTI Application No. RTI/4976/13, dated 26/3/2013

Dear Sir,

This refers to the letter F.No.08-59/CESTAT/CPIO-ND/KS/2013, dated 28-03-2013 of Shri Kripa Shankar, Assistant Registrar, CESTAT, New Delhi transferring my aforesaid RTI application to you under section 6(3) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI application.

Thanking you,

Yours faithfully,


[R.K. Jain]

Annex 4

RN0859/CESTAT/CPIO-ND/NIC/2013
CUSTOMS EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, WEST BLOCK NO.2,
R.K.PURAM, NEW DELHI:110066.

Dt 09/4/13
Id No. 08-59/13


To,
Shri R K Jain
1512B Shri Shri Anand marg,
Wagon Nagar, New Delhi-13

Subject: Information under Right to Information Act
2005.

Sir,

Please refer to your RTI application No. 4976
Dt. 26/3/13 and our ID No. 08-59/13 the information
received from Dist. Registrar Adm containing 7 pages
is endorsed herewith for your reference please.

You are, therefore, requested to please
acknowledge the receipt and deposit Rs. 14 (@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(132)/RTI/MISC/CESTAT/ND/Admn-2013
Customs Excise & Service Tax Appellate Tribunal
West Block-2, R.K. Puram
New Delhi-66

Dated : 08/04/2011

Sub : Information sought under RTI Act 2005-reg.
(Reference: CPIO ID No. 08-59/2013)

Sir,

Kindly refer to CPIO letter No. 08-59/CESTAT/CPIO-ND/KS/2013 dated 28/03/2013 and Shri. R.K.Jain RTI application No. RTI/P-195/4976/13 dated 26/03/2013, forwarded to the undersigned wherein the applicant has sought various information, the requisite information's containing 07 pages are forwarded herewith for onward transmission to the applicant.

Enclose : As above


(Kripa Shankar)
Assistant Registrar(Admn)

To,

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



Tel: PBX : 080 - 22864523
Commr. Dir. : 080 - 22864073
Section : 080 - 22861480

excise@bgl.vsnl.net.in
cexbang@excise.nic.in
Fax : 080 - 22864170 (Commr.)
Fax : 080 - 22861480 (Section)

केंद्रीय उत्पाद शुल्क आयुक्त का कार्यालय, बेंगलूर। आयुक्तालय, बेंगलूर
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE:
BANGALORE - I: CENTRAL REVENUES BUILDING: QUEEN'S ROAD:
BANGALORE - 560 001

सी.सं. 1/4/21/2011 ए-4 बी -1

दिनांक: 02 सितम्बर 2011

सेवा मे / To,
रेजिस्ट्रार / The Registrar
सेस्टाट / CESTAT,
पश्चिम ब्लॉक / West Block No.2,
आर. के. पुरम / R.K. Puram
नई दिल्ली / New Delhi - 110 066

Speed - post

महोदय / Sir,

Sub : - Allotment order submitted as called for, in respect of
Shri S.K. Verma, Asst. Registrar, CESTAT - reg.

Reference is drawn to your letter F.No.53/CESTAT/Cash/Misc/2011 - 12 dated 24.08.2011 wherein it is requested that a copy of the allotment letter from this office in respect of the Allotment Order of Quarter No.B - 07 - 05 (Type - III) at Yelahanka to Shri S.K. Verma, Asst. Registrar is requested.

A copy of allotment order/ change of quarters letter C.No.1/4/5/2006 A.4 B - I dated 08.03.2007 and an occupation report C.No.1/4/5/2006 A.4 B - I dated 05.04.2007 is enclosed herewith for further action at your end. The licence fee for the period from 04.04.2007 (date of occupation) till 30.06.2010 for Type - III quarter at Yelahanka is ₹ 268/- per month and from 01.07.2010 till 20.07.2011 (date of vacation) is ₹ 380/- per month (enhanced from 01.07.2010 vide GOI DEOM No.18011/1/2009 - Pol.III dated 28.04.2011).

The recovery particulars may please be furnished to this office for further references.

भवदीय / Yours faithfully,

Encl: As above

Sanjiv Kumar Holm
(यू. मंजुनाथ होल्ला)
प्रशासनिक अधिकारी (मुख्य.)
2/9/11

बेंगलूर I आयुक्तालय

1794/2/11
05/9/11

6.9.2011
AR / A / B

8/9/11
6/9/11



Annexure-VIII

88

31

केंद्रीय उत्पाद शुल्क आयुक्त का कार्यालय, बेंगलूर I आयुक्तालय, बेंगलूर
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
BANGALORE - I: CENTRAL REVENUES BUILDING: QUEEN'S ROAD:
BANGALORE - 560 001

सी.सं. 1/04/21/2011 ए-4 बी-I

दिनांक: 04 अगस्त 2011

मकान रिकति रिपोर्ट / VACATION REPORT

निम्नलिखित अधिकारी ने विभागीय आवास खाली कर दिया है। यह आपके कार्यालय के सूचना और आवश्यक कार्रवाई के लिए प्रेषित है।

The following Officer have vacated the Departmental Quarters at Yelahanka, Bangalore. This is for information and necessary action at your end.

क्र. सं. Sl. No.	नाम और पदनाम Name & Designation. (श्री /श्रीमती Shri/Smt.)	टाईप TYPE OF QTR.	मकान सं. QTR. NO.	रिकति दिनांक DATE OF VACATION	कार्यरत स्थान COMMETTE WHERE TRANSFERRED / POSTED.
1	सुरेश बी. बडास अधीक्षक Suresh B. Badas Superintendent	III	B-03-43	14.07.2011	Central Excise, Division - II Bangalore - I
2	एस. के. वर्मा सहायक रजिस्ट्रार S.K. Verma Asst. Registrar	III	B-07-105	20.07.2011	CESTAT New Delhi

Yours faithfully,

Manjusha Holey
(यु. मंजुनाथ होला)

प्रशासनिक अधिकारी (मुख्या .)

बेंगलूर I आयुक्तालय

Copy to 1 The DDO, CESTAT, West Block, No.2, R.K. Puram, New Delhi - 66
The AO, Central Excise, Division - II, Bangalore - I
Shri P.M. Swamy, Cashier, Bangalore - I Commissionerate
(Caretaker, Yelahanka Quarters)



Tel: PBX : 080 - 2864523
Commr. Dir. : 080 - 2864073
Section : 080 - 2861480

excise@bgl.vsnl.net.in
cexbang@excise.nic.in
Fax : 080 - 2864170 (Commr.)

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE:
BANGALORE - I
CENTRAL REVENUES BUILDING: QUEEN'S ROAD:
BANGALORE - 560

C.No. 1/4/5/2006 A-4 B-I

Dated : 5th April, 2007.

OCCUPATION REPORT

The following Officer has occupied the Departmental Quarters at Yelahanka, Bangalore. This is for information and necessary action at your end.

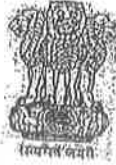
Sl. No	Name of the Officer (Shri/Smt.)	Quarter No. and Type	Date of Occupation	Commette where working
1	S.K.Verma, Asst. Registrar	B-7-105 (Type III)	4-4-2007	CESTAT, Bangalore.

5.4.07
ole ADMINISTRATIVE OFFICER (HQRS.)
BANGALORE I COMMISSIONERATE

Copy to: The Asstt. Registrar, CESTAT, Bangalore.

You are requested to forward the licence fee recovery particulars in respect of the above Officer to this office every month.

प्रति काल
दि. के बजे प्राप्त है।
Received for Despatch
A.S. Hours on 5.4.07



Tel: PBX : 080 - 2864523
Commr. Dir: : 080 - 2864073
Section : 080 - 2861480

excise@bgl.vsnl.net.in
cexbang@excise.nic.in
Fax : 080 - 2864170 (Commr.)

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE:
BANGALORE - I
CENTRAL REVENUES BUILDING: QUEEN'S ROAD: BANGALORE -
560 001

C.No. I/4/5/2006 A-4 B-I

Dated : 8th March, 2007.

To,
Shri S.K.Verma,
Assistant Registrar,
CESTAT,
BANGALORE.

Sir,

Sub: - Change of Departmental Quarters from
B-8-127 to B-7-105 (Type III)
at Yelahanka -reg.

%%%

I am directed to convey that the Joint Commissioner (P&V),
Central Excise, Bangalore I Commissionerate is pleased to accord
permission for change of quarters from quarter number B-8-127 to
B-7-105 (Type III) at Yelahanka.

You are requested to occupy quarter No. B-7-105 . within 8
days of receipt of this order under intimation to this office.

Yours faithfully,

(G. MANI)

ADMINISTRATIVE OFFICER (HQRS.)
BANGALORE I COMMISSIONERATE

Copy to : The Assistant Registrar, CESTAT, South Zonal Bench, Bangalore..
The C.A.O., C.Ex., Bangalore II Commette..
The Supdt. (L&B), Hqrs., Bangalore I-Commette..
Shri Shivalingiah, Inspector, C.Ex., Audit, Bangalore III Commette..
(Caretaker of Yelahanka Quarters)

Received for Despatch
Hours on 08/03/07

Annexure - IV (26)
a3 H
Annexure



Tel: PBX : 080 - 2864523
Commr. Dir. : 080 - 2864073
Section : 080 - 2861480

excise@bgl.vsnl.net.in
cexbang@excise.nic.in

Fax : 080 - 2864170 (Commr.)

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE:
BANGALORE - I
CENTRAL REVENUES BUILDING: QUEEN'S ROAD:
BANGALORE - 560

C.No. 1/4/5/2006 A-4 B-1

Dated : 29th November, 2006.

OCCUPATION REPORT

The following Officers have occupied the Departmental Quarters at Yelahanka, Bangalore. This is for information and necessary action at your end.

Sl.No.	Name of the Officer (Shri/Smt.)	Quarter No. and Type	Date of Occupation	Commette where working
1	Manoj Kumar, Inspector	B-9-142 (Type III)	28-10-2006	Division 'C', Bangalore II
2	S.K. Verma, Assistant Registrar	B-8-127 (Type III)	1-12-2006	CESTAT, Bangalore II
3	Vishwendra Rao, Senior Intelligence officer	A-6-89 (Type III)	16-9-2006	DRI, Bangalore.

प्राप्त काल के वजे प्राप्त है।
Received for Despatch
Hours on 29.11.06

29.11.06
ADMINISTRATIVE OFFICER (HORS)
BANGALORE I COMMISSIONERATE

Copy to : C.A.O., C.Ex., Bangalore II Commissionerate
A.O., DRI, Bangalore.

A.O., C.Ex., Division 'C', Bangalore II Commette..

You are requested to forward the licence fee recovery particulars in respect of the above Officer to this office every month.

Annexure - 717

37

95

02

To,

The Administrative Officer(HQRS),
Bangalore I Commissionerate,
Bangalore..-01

Sir,

I have been allotted a Departmental Quarter at Yelahanka, Qr No.B-8-127/Type III as per your order No.C.No.1/04/5/2006 A-4 B-1 dtd;3.11.06. I hereby convey my willingness to accept the above said Quarter. W. E. S. 01.12.06.

Thanking you,



Your faithfully,

(Handwritten signature)

(S.K.Verma)

Assistant Registrar



Tel: PBX : 080 - 22864523.
Commr. Dir. : 080 - 22864073
Section : 080 - 22861480

excise@bglvsnl.net.in
cebhans@excise.nic.in
Fax : 080 - 22864170 (Commr.)

GOVERNMENT OF INDIA
MINISTRY OF FINANCE -
DEPARTMENT OF REVENUE
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE, BANGALORE - I COMMISSIONERATE:
C.R. BUILDING, QUEEN'S ROAD, BANGALORE - 560 001

C.No.1/04/5/2006 A-4 B-I

Dated: 3rd November, 2006.

ALLOTMENT ORDER

The Commissioner of Central Excise, Bangalore I Commissionerate is pleased to allot the Departmental Quarters at Yelahanka, Bangalore as detailed below :

Sl. No	Name & Designation. (Shri/Smt.)	Posting	Type	Quarter No.
1	S.K. Verma, Assistant Registrar.	CESTAT, Bangalore II	III	B-8-127

The allottee may give his willingness or otherwise of the allotment within 5 days of receipt of this order.

Allottee may note that on failure to take possession/occupy the said quarters within 15 days of allotment, the allotment will be treated as cancelled and he will not be eligible for another allotment of a Government residence for a period of one year from the date of this order. In this regard, the Department's guidelines on allotment of quarters issued vide C.No. 1/4/29/2001 A-4 B-I may be referred.

Allottee should intimate whether he owns a house in Bangalore within the Corporation/BDA limits in his name or in the name of his family.

Further, in case the allottee is transferred out of Bangalore, he has to surrender the quarters or apply for retention of quarters as per rule SR-317-B-II.

G. Murthy
3-11-06
ADMINISTRATIVE OFFICER (HQRS.)
BANGALORE I COMMISSIONERATE

To : The individual
Copy to : The C.A.O. Central Excise, Bangalore II Commissionerate.
It is requested that the licence fee recovery particulars in r/o of the above Officer may be forwarded to this office every month. The Lic. fee in respect of Type III Quarters at Yelahanka is Rs. 265/-
The Supdt. (L&B), Hqrs., Bangalore I Commette
Shri Shivalingiah, Inspector, C.Ex., Audit, Bangalore III Commette.
(Caretaker of Yelahanka Quarters)

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

Date of Hearing : 22.5.2013

Appeal No. 08-09(A)/2013
CPIO ID No. 08-59/2013

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order.....19/2013.....

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

2. The appellant states that due to paucity of time, he is not interested in pursuing the appeal. He requests for withdrawal of appeal.
3. Appeal is disposed of as withdrawn.

(Sahab Singh)

Appellate Authority under the RTI Act

To

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

28-5-2013

SIGNATURE

DYMO-1840/CR-13
22/4/13
08-08(A)/2013

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

Ref. No. : RTI/P-537/(4960/13)/Appeal/5574

Dated : 19-04-2013

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	Mr. Bineesh Kumar CPIO & Assistant Registrar
		(b) Address	CESTAT South Zonal Bench 1st Floor WTC Building FKCCI Complex, K.G.Road Bangalore Karnataka-560009
2.	Date of submission of application (Copy of application attached)	23-03-2013	
3.	Details of the order appealed against	CPIO's Letter F.No.08-79/CESTAT/CPIO-ND/NK/2013 dated 11-04-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	11-05-2013	
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 23-03-2013 (Annexure-1). (2) Copy of CPIO's Letter dated 04-04-2013 (Annexure-2). (3) Copy of CPIO, CESTAT, New Delhi letter dated 10-04-2013 (Annexure-3). (4) Copy of Appellant's letter dated 13-04-2013 addressed to Shri Raj Kumar, SPS, CESTAT, New Delhi (Annexure-4). (5) Copy of Appellant's letter dated 13-04-2013 addressed to Shri Rajender Prasad, Accounts Officer, CESTAT, New Delhi (Annexure-5). (6) Copy of Appellant's letter dated 13-04-2013 addressed to Shri Mukesh Kumar, CPIO	

SPS to
Hoishre
Member (T)

139/SS/13
24/5

	& Asstt. Registrar (Admin), CESTAT, New Delhi (Annexure-6). (7) Copy of Appellant's letter dated 13-04-2013 addressed to SPS to Ms. Archana Wadhwa, Member (J), CESTAT, New Delhi (Annexure-7). (8) Copy of CPIO's Letter dated 11-04-2013 (Annexure-8) (9) Copy of Shri Raj Kumar, Sr. PS's letter dated 10-04-2013 (Annexure-9)
--	--

BRIEF FACTS OF THE CASE

(1) The Appellant has filed an application dated 23-03-2013 (**Annexure - 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) Please provide following information in relation to the Inquiry held in the matter of S.K. Verma in F. No.24(3)/Conf/CESTAT/SKV/Admn-2008 and report submitted on 26-12-2012 by Mrs. Archana Wadhwa (copy of Inquiry Report enclosed):-
- (i) Date-wise details of documents/files/records or their copies obtained by Shri Raj Kumar, SPS and Presenting Officer for the aforesaid Inquiry and date of return of such documents to your office.
 - (ii) Date-wise details of documents, files or records obtained by Mrs. Archana Wadhwa, Inquiry Officer for the aforesaid Inquiry and date of return of such documents to your office.
 - (iii) List of documents/records supplied by your office still in custody of Shri Raj Kumar and Mrs. Archana Wadhwa and inspection of such records.
 - (iv) Provide certified copies of the communications received from Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer and copies of communications sent to them.
 - (v) Details of the tours undertaken by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer and copies of bills submitted with Tour Orders and inspection of such records.
 - (vi) Provide copies of Reports or feedback obtained or called for by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer for the purpose of above Inquiry.

(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, CESTAT, Bangalore by is letter dated 04-04-2013 (**Annexure-2**) transferred point (A) (v) of the aforesaid RTI Application to the CPIO, CESTAT, New Delhi. The CPIO, CESTAT, New Delhi by his letter dated 10-04-2013 (**Annexure-3**) forwarded the said point to the SPS to the Hon'ble President, Shri Raj Kumar, SPS to Hon'ble Ms. Archana Wadhwa, Assistant Registrar, Administration and Accounts Officer. The Appellant by his letters dated 13-04-2013 (**Annexures-4 to 7**) requested the said Deemed CPIOs to provide the information. The SPS and Deemed CPIO to Ms. Archana Wadhwa by his letter dated 11-04-20013 (**Annexure-8**) provided incomplete and incorrect information. Shri Raj Kumar, SPS and Deemed CPIO by his letter dated 10-04-20013 (**Annexure-9**) offered inspection of the records. The relevant information sought by the Appellant pertained to the Account Section and the Administration Section but they have not provided the information so far. The Appellant being aggrieved 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 providing the information to the Appellant though as per the provisions of the RTI Act, the Appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the Appellant within time bound frame.
- (4) That Shri Rajender Prasad, Accounts Officer and Deemed CPIO, Shri Mukesh Gupta, Assistant Registrar and Deemed CPIO are mainly concerned with the information in point (A)(v) of the RTI Application but they have not provided the same within the prescribed period. Therefore, their inaction is illegal and

liable to be set aside and the CPIO be directed to provide the information in time bound frame.

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

PRAYER

Under the circumstances, the Appellant prays as under:

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



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

Place : New Delhi
Dated : 19-04-2013

o/c
Annexure 1

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

Ref. No. : RTI/P-172/4960/13

Dated : 23-3-2013


To

Mr. Bineesh Kumar
CPIO & Assistant Registrar
CESTAT South Zonal Bench
1st Floor WTC Building
PKCCI Complex, K.G. Road
Bangalore
Karnataka - 560009

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 following information in relation to the Inquiry held in the matter of S.K. Verma in F. No.24(3)/Conf/CESTAT/SKV/Admn-2008 and report submitted on 26-12-2012 by Mrs. Archana Wadhwa (copy of Inquiry Report enclosed):-</p> <p>(i) Date-wise details of documents/files/records or their copies obtained by Shri Raj Kumar, SPS and Presenting Officer for the aforesaid Inquiry and date of return of such documents to your office.</p> <p>(ii) Date-wise details of documents, files or records obtained by Mrs. Archana Wadhwa, Inquiry Officer for the aforesaid Inquiry and date of return of such documents to your office.</p> <p>(iii) List of documents/records supplied by your office still in custody of Shri Raj Kumar and Mrs. Archana Wadhwa and inspection of such records.</p>

*Appellant with down
to appeal 2/15/13*

		<p>(iv) Provide certified copies of the communications received from Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer and copies of communications sent to them.</p> <p>(v) Details of the tours undertaken by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer and copies of bills submitted with Tour Orders and inspection of such records.</p> <p>(vi) Provide copies of Reports or feedback obtained or called for by Shri Raj Kumar, Presenting Officer and Mrs. Archana Wadhwa, Inquiry Officer for the purpose of above Inquiry.</p> <p>Note:- Please provide pointwise information/ response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 11F 028631 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
 Date: 01/08/2007

1016 88-79/2013

Annexure 2

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

ID 16/2013

Date: 04.04.2013

To
Shri Naresh Kumar,
CPIO,
CESTAT,
New Delhi

Sir,

Sub: RTI application filed by Mr.R.K. Jain, New Delhi- transfer of –
reg.

Please find enclosed with an RTI application No. RTI/P-172/4960/13 dated 23.03.2013 filed by Mr.R.K. Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi. As the required information w.r.t para A(v) is not available with this office and is understood to be available with CESTAT, New Delhi, the subject RTI application is transferred to you under Section 6(3) of the RTI Act with request to provide the information sought directly to the RTI applicant.

Yours faithfully,



(Bineesh Kumar K..S)
Deputy Registrar

Copy to:

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

Annexure 3

FNo. 08-29/CESTAT/CPIO-ND/NK/2013
Customs Excise and Service Tax Appellate Tribunal,
West Block No.2, R.K. Puram, New Delhi: 110066.

Dated. 10/04/13
ID No. 08-29/13

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to Sh./Smt. R K Jain
application under RTI Act 2005 vide No. 4960 dated
23-3-13 (copy enclosed) wherein certain
information are sought as mentioned therein is related
to your section.

Therefore, in terms of the provisions of Section 5(4)
read with Section 5(5) of RTI Act 2005 the RTI
application No. 4960 dated 23-3-13 CPIO
ID No. 08-29/13 is forwarded herewith to the following
officers as deemed CPIO with the request to provide the
information/inspection on or before 26/04/13, directly
to the applicant and intimate the undersigned within the
stipulated time..

(Naresh Kumar)

Dy. Registrar/CPIO

Encl. As above.

1. PS to Honble Mr. Brijendra Nath Sharma M.C.J.
2. Sh. Raj Kumar SPS
3. Asst. Registrar Administrator
4. Accounts Officer
5.

Copy to Sh. R K Jain 15/12/13 B Brijendra Nath Sharma
Mag, Wazir Nagar, New Delhi-3

12/02/2013
10.04.2013

9/c
Annex 4
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-195/4960/13/R5771

13-04-2013

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

Sub: Mv RTI Application No. RTI/4960/13, dated 23/3/2013

Dear Sir,

This refers to the letter F.No.08-79/CESTAT/CPIO-ND/NK/2013 dated 10-04-2013 of Shri Naresh Kumar, Dy.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]

0/c
Annu

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-195/4960/13/R5773
13-04-2013

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

Sub: Mv RTI Application No. RTI/4960/13, dated 23/3/2013

Dear Sir,

This refers to the letter F.No.08-79/CESTAT/CPIO-ND/NK/2013 dated 10-04-2013 of Shri Naresh Kumar, Dy.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]

ok
Annexure 6

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

Excise, Customs & Service Tax Consultant

and author of

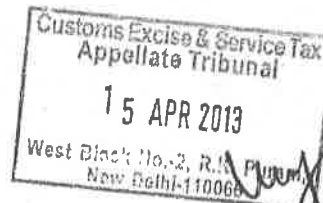
CENTRAL EXCISE LAW GUIDE

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-195/4960/13/R5772
13-04-2013

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

Sub: My RTI Application No. RTI/4960/13, dated 23/3/2013

Dear Sir,

This refers to the letter F.No.08-79/CESTAT/CPIO-ND/NK/2013 dated 10-04-2013 of Shri Naresh Kumar, Dy.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]

O/C

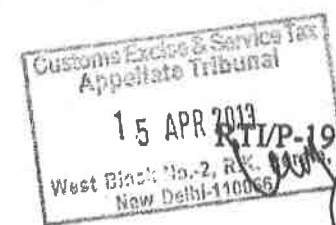
Annuu 7

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-195/4960/13/R5770
13-04-2013

SPS to Hon'ble Ms. Archana Wadhwa,
Member Judicial,
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K. Puram,
New Delhi - 110066

Sub: My RTI Application No. RTI/4960/13, dated 23/3/2013

Dear Sir,

This refers to the letter F.No.08-79/CESTAT/CPIO-ND/NK/2013 dated 10-04-2013 of Shri Naresh Kumar, Dy.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]

uk

Annex 8

P-1721 / CESTAT / CPIO-ND / NIC / 2013
CUSTOMS EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, WEST BLOCK NO.2,
R.K.PURAM, NEW DELHI:110066.

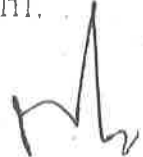
Dt 11-11-13
Id No. 08-79/13

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. P-1721
Dt. 23-3-13 and our ID No. 08-79/13 the information
received from SPS forms Archana wadhwa 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.

Copy to Registrar CESTAT


(Naresh Kumar)
Dy.Registrar/CPIO

To

08-79/13
The CPIO/ Deputy. Registrar
Customs, Excise & Service Tax
Appellate Tribunal,
New Delhi.

Sir,

With reference to F.No. 08-79/CESTAT/ CPIO-ND/ NK/2013 dated 10.4.2013 (ID NO. 08-79/2013) regarding information sought from CESTAT, Bangalore and forwarded to CESTAT, New Delhi, under the RTI Act 2005, it is submitted as under:

With reference to inquiry in the matter of Shri S.K. Verma in F.No.24(3)/Conf/CESTAT/SKV/Admn-2008, the inquiry report was submitted on 26.12.2012 to the Hon'ble Vice President (HOD) through Registrar along with assessment and findings as also original file containing charge-sheet, examination of witnesses, reply all oral/ documentary evidences and written briefs of the Charged Officer etc.

As the file along with its enclosures has already been submitted, the information as sought for is not with us. As regards tour undertaken for the purpose, information may kindly be taken from concerned sections.

For information please.

10/AW/13
11/4/13
Dated: 11.4.2013

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

Annex 9

**CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL,
WEST BLOCK NO.II, R.K. PURAM,
NEW DELHI-110066**

Dated 10th April, 2013

To,

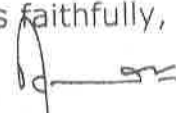
Shri R.K. Jain,
1512-B, Bhishm Pitamah Marg,
Opp. ICICI Bank of Defence Colony,
New Delhi-110 003

Sub: Your RTI application No. RTI/P-195/6509/13 dt. 9.4.13
& RTI/P-172/4960/13 dt. 23.3.3013

Sir,

With reference to your referred RTI applications transferred to me today only it is informed to you that you may inspect the concerned files. ~ 18/4/13 at 11 A.M.

Yours faithfully,


(RAJ KUMAR)
Sr. P.S.

✓ Copy to: The Dy. Registrar (J) & CPIO,
CESTAT,
New Delhi

For information.

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

Date of Hearing : 22.5.2013

Appeal No. 08-08(A)/2013
CPIO ID No. 08-79/2013

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order.....15/2013

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

2. The appellant states that due to paucity of time, he is not interested in pursuing the appeal. He requests for withdrawal of appeal.

3. Appeal is disposed of as withdrawn.


(Sahab Singh)


Appellate Authority under the RTI Act

To



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

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


SIGNATURE

Dy No. 1839/CR-13
22/4/13

0807(A)/2013

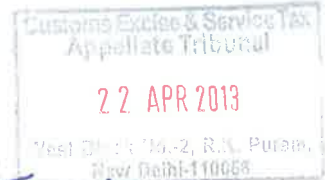
First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-537/(3397/11)/Appeal/5580

Dated : 19-04-2013

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



24/04 vjy hu 22/4/13

A. Contact Details :

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

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Mr. Mohinder Singh, CPIO & Asstt. 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)	03-06-2011	
3.	Details of the order appealed against	CPIO's Letter F.No.06-98/C/ESTAT/CPIO-ND/NK/2013 dated 16-04-2013	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	16-05-2013	
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 03-06-2011 (Annexure-1) (2) Copy of Appellant's Letter dated 28-03-2013 (Annexure-2) requesting for compliance to the order dated 13-03-2013 of the CIC (3) Copy of Order dated 15-04-2013 of Deemed CPIO, Ms. Seema Sadana, SPS to Mrs. Archana Wadhwa, M(J) (Annexure-3) (4) Copy of Order dated 16-04-2013 of Deemed CPIO, Ms. Chander Kanta, SPS to Shri Rakesh Kumar, M(T) (Annexure-4) (5) Copy of Order dated 16-04-2013 of	

157/55/13
28/5

SPS to
Hon'ble
Member (T)

22/4

	Deemed CPIO, Ranju Madhra, PA to Shri Saheb Singh, M(T) (Annexure-5)
--	--

BRIEF FACTS OF THE CASE

(1) The appellant has filed an application dated 03-06-2011 (**Annexure - 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide copies of the monthly pendency statement for reserved orders to be pronounced for the period from 1-4-2009 till date for all Delhi Benches.

(B) Please provide month-wise pendency details of the orders dictated in the Open Court, but the written orders not issued within 30 days for the period 1-4-2009 till date.

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

(3) That the Appellant by his letter dated 28-03-2013 (**Annexure-2**) requested the CPIO and Deemed CPIOs to comply with the order dated 13-03-2013 of the CIC. In relation to the information sought in point (B) of the aforesaid RTI Application, SPS to Hon'ble Ms. Archana Wadhwa by order dated 15-04-2013 (**Annexure-3**) denied the information as not being maintained by the staff of the Hon'ble Member but such information may be prepared by the respective Bench Registries. A similar reply was given by SPS of Hon'ble Shri Rakesh Kumar vide order 16-04-2013 (**Annexure-4**). The PA to Hon'ble Shri Saheb Singh by order dated 16-04-2013 (**Annexure-5**) provided the said information that no reserve order is pending for pronouncement as all orders are dictated in open court and were issued in 30 days. The appellant being aggrieved by the aforesaid orders of the SPS and Deemed CPIO of Hon'ble Ms. Archana Wadhwa and Hon'ble Mr. Rakesh Kumar, is filing the present appeal.

GROUND OFS OF APPEAL

(1) That the order in question of the learned CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set

aside.

- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the Deemed CPIOs and SPS of Hon'ble Ms. Archana Wadhwa and Hon'ble Mr. Rakesh Kumar have provided incorrect and misleading information. The information in question as sought in point (B) of the RTI Application is also held by the staff of the concerned Member as they are maintaining the Daily Diary of the concerned Member. The fact that similar information has been provided by PA to another Hon'ble Member proves that the information is held by the staff of the Hon'ble Members. Moreover, in the past, the Appellant has inspected and obtained copies of the Register of Reserve Orders maintained by the personal staff of Hon'ble Shri Rakesh Kumar. 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 information is being suppressed by the Ld. Deemed CPIOs and SPS of Hon'ble Ms. Archana Wadhwa and Hon'ble Mr. Rakesh Kumar is evident from the fact that they have not forwarded the RTI Application to the holder of 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. Deemed CPIOs and SPS of Hon'ble Ms. Archana Wadhwa and Hon'ble Mr. Rakesh Kumar have 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 the Ld. Deemed CPIOs and SPS of Hon'ble Ms. Archana Wadhwa and Hon'ble Mr. Rakesh Kumar have deliberately and mala fide provided incorrect and false 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 file a direct complaint to the CIC for the enforcement of the Section 20 of the RTI Act.
- (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 : 1904-2013

Annexure A I

13

10 JUN 2011

10/6/11

Delhi

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

Ref. No. : RTI/11/3397

Dated : 09-06-2011

Mr. Mohinder Singh
CPIO & Assistant Registrar
CESTAT
West Block 2, R. K. Puram
New Delhi - 110 066

1.	Name of the Applicant	R.K. Jain
2.	(a) 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 the monthly pendency statement for reserved orders to be pronounced for the period from 1-4-2009 till date for all Delhi Benches. (B) Please provide month-wise pendency details of the orders dictated in the Open Court, but the written orders not issued within 30 days for the period 1-4-2009 till date for all Benches at Delhi
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.	
6.	A Postal Order No. 92E 364880, dt. for Rs.10/- towards payment of fee is enclosed herewith.	
7.	As per Rule 4(a) of the Right to Information (Regulation of Fee and Cost) Rules, 2005, a fee of Rs. 2/- per page for size A4 to A3 is payable for supply of the copies of the information sought. KINDLY INTIMATE THE AMOUNT PAYABLE AND THE NAME IN WHICH DD/POSTAL ORDER IS TO BE DRAWN.	
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

11/10/3297

O/C
Annexure 2

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 &

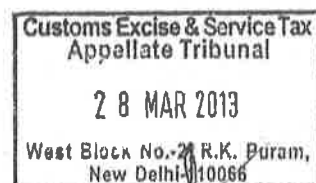
EXIM POLICY AND HANDBOOK OF PROCEDURE

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

RTI/P-195/3397/11/R5616

28-03-2013

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



Shri Naresh Kumar,
CPIO & Dy. Registrar,
CESTAT,
2, West Block,
R.K. Puram,
New Delhi - 110 066

Shri S.K. Verma,
CPIO & Assistant Registrar,
CESTAT,
2, West Block,
R.K. Puram,
New Delhi - 110 066

Shri Mohinder Singh,
CPIO & Assistant Registrar,
CESTAT,
Ahmedabad.

Sub: My RTI Application No. RTI/3397/11, dated 3/6/2011

Dear Sir,

Please find enclosed herewith a copy of the CIC Order F.Nos. CIC/SS/A/2012/000802 & 1477 dated 13.03.2013, rejecting the appeal of the CPIO, CESTAT and allowing my appeal. As per para 15 of CIC Order, you have been directed to comply with the directions given in para 11 of the order of the First Appellate Authority, CESTAT, New Delhi dated 08-11-2011, within 6 weeks of the receipt of the Order.

Now you are requested to kindly comply with the said direction of the CIC at the earliest.

Thanking you,

Yours faithfully,



[R.K. Jain]

Copy to:
Shri Mohan Kumar,
Registrar,
CESTAT,

With a request to comply with the aforesaid
order of the CIC.

R-1/331763626 Afu/5072
CIC/1595

RTI/33976 3626
Isr. Afu/5072
CIC/1595

केन्द्रीय सूचना आयोग
Central Information Commission
2 तल, विंग 'ब' / 2nd Floor, 'B' Wing
अगस्त क्रान्ति भवन / August Kranti Bhavan
भीकाजी कामा प्लेस / Bhikaji Cama Place
नई दिल्ली - 110066 / New Delhi - 110066

F. Nos. CIC/SS/A/2012/000802 & 1477

Dated: 13.03.2013

No. CIC/SS/A/2012/000802 : Shri R K Jain Vs. CESTAT

No. CIC/SS/A/2012/001477: Shri S K Verma, Asstt. Registrar & CPIO Vs. CESTAT

ORDER

The facts of these appeals are that Shri R K Jain had filed 90 RTI-applications before the CPIO, Customs, Excise & Service Tax Appellate Tribunal (CESTAT), New Delhi during the period from 06.06.2011 to 04.08.2011.

2. In his reply dated Nil, the CPIO Shri S K Verma Inter-alia, stated as under:
- (i) He received the following 90 un-disposed RTI-applications from his predecessor Shri Mohinder Singh, Assistant Registrar & the then CPIO, CESTAT;

S. No.	Application ID No.	Date of RTI-Application	S. No.	Application ID No.	Date of RTI-Application
01.	ID 06-98/11	10.06.2011	02.	ID 06-99/11	06.06.2011
03.	ID 06-100/11	06.06.2011	04.	ID 06-101/11	08.06.2011
05.	ID 06-102/11	10.06.2011	06.	ID 06-103/11	10.06.2011
07.	ID 06-104/11	10.06.2011	08.	ID 06-105/11	10.06.2011
09.	ID 06-106/11	10.06.2011	10.	ID 06-107/11	10.06.2011
11.	ID 06-108/11	13.06.2011	12.	ID 06-109/11	13.06.2011
13.	ID 06-110/11	13.06.2011	14.	ID 06-111/11	13.06.2011
15.	ID 06-112/11	13.06.2011	16.	ID 06-113/11	13.06.2011
17.	ID 06-114/11	18.06.2011	18.	ID 06-115/11	18.06.2011
19.	ID 06-116/11	18.06.2011	20.	ID 06-117/11	18.06.2011

S.No.	Application ID No.	Date of RTI-Application	S.No.	Application ID No.	Date of RTI-Application
21.	ID 06-118/11	18.06.2011	22.	ID 06-119/11	18.06.2011
23.	ID 06-120/11	18.06.2011	24.	ID 06-121/11	18.06.2011
25.	ID 06-122/11	20.06.2011	26.	ID 06-123/11	20.06.2011
27.	ID 06-124/11	21.06.2011	28.	ID 06-125/11	21.06.2011
29.	ID 06-126/11	21.06.2011	30.	ID 06-127/11	21.06.2011
31.	ID 06-128/11	22.06.2011	32.	ID 06-129/11	22.06.2011
33.	ID 06-130/11	22.06.2011	34.	ID 06-131/11	22.06.2011
35.	ID 06-132/11	22.06.2011	36.	ID 06-133/11	22.06.2011
37.	ID 06-134/11	24.06.2011	38.	ID 06-135/11	24.06.2011
39.	ID 06-136/11	24.06.2011	40.	ID 06-137/11	24.06.2011
41.	ID 06-138/11	24.06.2011	42.	ID 06-139/11	01.07.2011
43.	ID 06-140/11	01.07.2011	44.	ID 06-141/11	01.07.2011
45.	ID 06-142/11	01.07.2011	46.	ID 06-143/11	04.07.2011
47.	ID 06-144/11	04.07.2011	48.	ID 06-145/11	05.07.2011
49.	ID 06-146/11	06.07.2011	50.	ID 06-147/11	07.07.2011
51.	ID 06-148/11	07.07.2011	52.	ID 06-149/11	07.07.2011
53.	ID 06-150/11	08.07.2011	54.	ID 06-151/11	08.07.2011
55.	ID 06-152/11	08.07.2011	56.	ID 06-153/11	21.06.2011
57.	ID 06-154/11	18.07.2011	58.	ID 06-155/11	16.07.2011
59.	ID 06-156/11	18.07.2011	60.	ID 06-157/11	18.07.2011
61.	ID 06-158/11	18.07.2011	62.	ID 06-159/11	18.07.2011
63.	ID 06-160/11	18.07.2011	64.	ID 06-161/11	18.07.2011
65.	ID 06-162/11	18.07.2011	66.	ID 06-163/11	19.07.2011
67.	ID 06-164/11	20.07.2011	68.	ID 06-165/11	20.07.2011
69.	ID 06-166/11	20.07.2011	70.	ID 06-167/11	21.07.2011
71.	ID 06-168/11	21.07.2011	72.	ID 06-169/11	27.07.2011
73.	ID 06-170/11	27.07.2011	74.	ID 06-171/11	28.07.2011
75.	ID 06-172/11	28.07.2011	76.	ID 06-173/11	28.07.2011
77.	ID 06-174/11	28.07.2011	78.	ID 06-175/11	29.07.2011
79.	ID 06-176/11	29.07.2011	80.	ID 06-177/11	29.07.2011
81.	ID 06-178/11	29.07.2011	82.	ID 06-179/11	01.08.2011
83.	ID 06-180/11	01.08.2011	84.	ID 06-181/11	02.08.2011
85.	ID 06-182/11	02.08.2011	86.	ID 06-183/11	02.08.2011
87.	ID 06-184/11	02.08.2011	88.	ID 06-185/11	03.08.2011
89.	ID 06-186/11	02.08.2011	90.	ID 06-187/11	04.08.2011

- (ii) He perused all these applications individually and decided to dispose of them together by passing a common order.
- (iii) The information-seeker was habitual in filing frivolous, frequent, identical, unspecific, and repeated applications on one point and voluminous applications to get the information under RTI Act.
- (iv) The CESTAT had already given him (Shri Jain) information running into more than 2 lakh pages and already allowed more than 200 inspections during the last 3 years and provided him the maximum information sought by him.
- (v) After furnishing the replies to the RTI-applications, the appellant was frequently writing several letters pointing out the deficiencies in the replies given by CPIO, instead of approaching Appellate Authority.
- (vi) The office was running with 70% of the total staff strength and due to unwarranted letters, repeated applications/reminders for voluminous information, the normal working of the office, particularly judicial work of the Tribunal, was adversely affected.
- (vii) It was disproportionately divert the resources of the public authority and further detrimental to the safety and preservation of the records in the Tribunal;
- (viii) The appellant was running a business of publication of Excise Law Times and is the editor of the same, wherein he publishes articles against the President, Vice-President and Members of the Tribunal, questioning the judicial orders passed by them, raising queries on the judgments passed by the Benches and enclosed extracts / copies of such publications.

(ix) The appellant was the copyright holder of the said magazine and thus, running a commercial business for gaining the financial and personal gains and earning huge amounts, which is against the spirit of the RTI Act and also gross misuse of the information gathered by him from the public authority under the RTI Act.

(x) He was getting all the information by way of declaring himself as individual for getting the information, whereas he was using such information for printing in a journal, for which he himself is the editor.

(xi) He also referred the Commission's Order in Appeal No. 23/IC(A)/2006 in the matter of Kishur J Aggarwal Vs. Indian Renewable Energy Development Agency Ltd., wherein it was held:

"The Commission is in possession of letters which the appellant, Mr. Kishur J. Aggarwal, Editor-in-Chief of a number of Daily Papers / Magazines has written to almost all the PSUs for eliciting their support for promotion of his business interests. His Company, named as NUURRIE Media Ltd. has launched thirty nine (39) websites covering the activities of all sections of the society. He has been asking for the favour of carrying out advertisements in his magazines/ websites. Clearly, his modus operandi is to use RTI for influencing PSUs for promotion of his business, rather than serving the social interests such as ensuring transparency and efficiency in functioning of PSUs. This is indeed a blatant misuse of RTI Act which ought to be discouraged. As an enlightened citizen, every information seeker should resort to RTI Act responsibly, as most people are doing and reaping the benefits of this powerful Act."

(xii) The Hon'ble CIC had reiterated its view in the matter of Kishur J. Aggarwal V/s UCO Bank on 10.04.2006, {24/IC(A)/2006} (F. No. 11/78/2006/CIC).

The CPIO observed that these applications were having the identical facts and circumstances and by following the precedents mentioned above, he dismissed all the applications filed by Shri R K Jain.

3. Aggrieved by the decision of the CPIO, the RTI- appellant Shri R K Jain filed his first-appeal before the First Appellate Authority, CESTAT. The FAA passed a detailed Order No. 66 of 2011 dated 08.11.2011 and Inter-alia, observed that the period of 30 days for furnishing the replies to the applicant had expired in many cases and the applicant had also filed appeals against such deemed refusals and a number of appeals had already been examined and orders passed on each such appeal. Thus, though appeal was in respect of the rejection order dealing with 90 applications, in essence, it appeared to be relating to only about 29 applications, because in respect of other applications appeal against deemed refusals had been heard and appropriate orders passed. The appellant should have given a correct list of Applications which had not yet been decided in appeal proceedings with reference to each application. Para Nos. 8 to 11 of the FAA's order are reproduced below:

"Para 8: I have considered arguments on both sides. The matter whether CPIO could have issued a refusal order when an appeal was already filed with the Appellate authority is just a legal discourse. What is required is to provide information asked for and if it cannot be provided to furnish reasons for it. That has already been done in such cases by passing individual orders in such appeals.

Para 9: I do find that the Applicant is in the habit of filing innumerable RTI applications crippling the normal functioning of CESTAT by grabbing resources needed for discharge of the statutory functions of CESTAT. He is also in the habit of publishing information so obtained as Tit Bits in his journal is no evidence suggesting that this journal is selling on account of such Tit Bits. When I consider the whole matter as per the provisions under RTI Act there is no justification to reject all applications without any scrutiny, as is done in the impugned order. The claim of the Appellant that all the information sought under these applications relate to transparency, accountability or prevention of corruption appears to be a far fetched claim. However stalling of information sought gives an impression that CESTAT has something to hide which impression has to be avoided and I am taking decision in this appeal primarily keeping this approach in mind.

Para 10: The decisions of the Higher Courts are that when an Act is in place, the organizations concerned have to put in place the necessary resources for complying with the provisions of the Act and lack of resources cannot be a



reason for refusal to furnish information.. But it remains a fact that such resources do not come easily. Ultimately these requirements and constraints will find some equilibrium in course of time which may involve reduction in disposal of statutory work of the CESTAT.

Para 11: To deal specifically with the matters at hand, notwithstanding all the constraints, CIO has to examine each of the applications and furnish information where available. Where information is not available in the form in which it is asked, the position may be informed to the Applicant. In any application is to be rejected for any reason specified in section 8 or 9 of the RTI Act the reason has to be specified and orders should be passed independently in respect of each application. CPIO has to ensure that each order is numbered and dated."

4. In the matter, the appellant Shri Jain filed his 2nd appeal-cum-complaint petition dated 17.01.2012, which was registered in the Commission vide Case No. CIC/SS/A/2012/000802.
5. The CPIO Shri S K Verma, Assistant Registrar & CPIO, CESTAT also filed an appeal on 17.02.2012 challenging the order dated 08.11.2011 of the First Appellate Authority, CESTAT and an appeal was registered vide No. CIC/SS/A/2012/001477.
6. Pursuant to the Commission's Notice dated 15.06.2012, both these cases were came up for hearing on 09.07.2012. Shri Mohinder Singh, Asstt. Registrar and the former CPIO Shri S K Verma and RTI-applicant Shri R K Jain were present during the hearing. Shri S K Verma submitted a written submission before the Commission stating that since these two appeals contain law points, he would like to contest these cases by an Advocate on his behalf and to this effect the proposal for appointment of an Advocate had been approved by the Public Authority viz., CESTAT, and the proposal had been referred to the Ministry of Law and Justice for hiring an Advocate. Since the approval of the Ministry was still awaited, he could not hire an Advocate. He therefore, requested for adjournment of hearing.



7. The Commission asked both the parties to prepare a list of all these 90 RTI-applications filed by Shri R K Jain showing the latest status of the cases such as, details of the subsequent 1st appeals filed by Shri Jain before the FAA, the orders passed by the FAA in each case, the compliance made by the CPIO, etc. etc. The matter was therefore, adjourned.

8. None of the parties submitted the desired list as asked by the Commission during the hearing on 09.07.2012. However, pursuant to the Commission's Notice dated 21.09.2012, these appeals were heard again on 19.10.2012, wherein Shri R K Jain, Shri S K Verma, Asstt. Registrar & CPIO and Shri Naresh Kumar, Dy. Registrar, CESTAT were present.

9. The Case No. CIC/SS/A/2012/001477 was taken up first. The CPIO Shri S K Verma submitted a written request for further adjournment of hearing on the following grounds:

- i) Ministry of Law & Justice had turned down his request for engagement of an Advocate and he had received the communication on that day only. He was now trying to engage a private counsel and it required some more time and he was not prepared for hearing.
- ii) The another respondent Shri Mohinder Singh, Asstt. Registrar and the former CPIO was presently posted at Ahmadabad and the notice could not be served to him.

10. Shri R K Jain opposed the request of the CPIO for seeking adjournment for the 2nd time. He also stated that if the CPIO had made up his mind for seeking adjournment, he should have informed him well before the hearing. In any case, the CPIO agreed to participate in the hearing.



11. During the hearing, Shri S K Verma, Assistant Registrar & CPIO stated as under:

- i) The appellant was in the habit of filing numerous RTI-applications on the same subject crippling the working of the CESTAT.
- ii) Information so obtained was misused by Shri Jain for commercial a benefit which is against the soul and spirit of the RTI Act.
- iii) Shri Jain was able to sell his magazines only because he publishes the articles on the basis of the information obtained under the RTI Act.
- iv) The Commission in the case of Mr. Kishur J Agarwal had held that the information-seeker was misusing the information for commercial purpose for influencing others in getting advertisements, and such person was not entitled to get information under the RTI Act.
- v) Shri Jain was also using the information for writing critical comments on the President and members of the CESTAT and thus, Shri Jain had been misusing the RTI Act.

12. Shri R K Jain pleaded that the CPIO's reply was un-dated and he passed a common order in respect of his all the 90 RTI-applications. Shri Jain also stated as under:

- i) He had been filing RTI-applications before the CPIO, CESTAT for public good and in public interest with a view to contain the irregularities, malfunctioning, corruption in public institutions like, CESTAT.
- ii) He is the editor of two law journals for nearly four decades. He had been publishing the magazine for more than last 40 years when the RTI-Act was not even in existence.
- iii) His journals were acknowledged by the Department of Revenue / CESTAT etc. and the higher officers refer his journals in dealing with the complicated cases.
- iv) In past, the various higher authorities, including office of the Hon'ble Prime Minister; Secretary, Department of Revenue; Advisor, Economic Administration Reform Commission; Committee on Direct Taxes; Technical Study Group on Central Excise Tariff of Department of Revenue; etc. etc. had sought his advice / opinion / comments on various issues like, 'revenue decline', 'rationalization and simplification of central excise procedure', 'Trade Industry and general public';

- v) He was awarded "Certificate of Merit" in January, 2011 from the World Customs Organization on the occasion of the International Customs Day for rendering exceptional service to the International Customs community.
- vi) His present case was entirely different from the case of Mr. Kishur J. Aggarwal as was referred by the CPIO. Mr. Aggarwal was Editor-In-Chief of a number of Daily Papers / Magazines and he had written letters to almost all the PSUs for eliciting their support for promotion of his business interests. His Company, named as NUURRIE Media Ltd. had launched thirty-nine (39) websites covering the activities of all sections of the society and he had been asking for the favour of carrying out advertisements in his magazines/ websites. Therefore, his modus operandi was to use RTI for Influencing PSUs for promotion of his business, rather than serving the social interests such as ensuring transparency and efficiency in functioning of PSUs. As such, Mr. Kishur J. Aggarwal case does not applicable to his case at all.
- vii) With regard to CESTAT's providing him (Shri Jain) information running into more than 2 lakh pages and allowing more than 200 inspections during the last 3 years, CPIO did not produce any evidence to this effect.
- viii) The FAA directed the CPIO to examine each of the 90 applications; provide information wherever available; if the information was not available in the form it was asked for, the applicant be informed; independent order in respect of each application be passed and each order be numbered and dated. Therefore, the CPIO be directed to comply with the FAA's order.
- ix) It has come to his notice that in respect of certain cases, the CPIO Shri S K Verma had decided to issue the 3rd-party notices while dealing with the RTI-applications, but he never issued third party notices and passed the Order dismissing his all the RTI-applications.
- x) CPIO therefore, deliberately, malafidely and persistently denied the information and dismissed his 90 application without considering each of them and without any reasonable cause. Therefore, the appeal filed by Shri S K Verma, Assistant Registrar & CPIO be rejected. Both the CPIOs were liable for penalty under section 20(1) and recommendations for disciplinary action under section 20(2) of the RTI Act.

13. Both the parties were again advised to submit the desired list of the RTI-application with relevant details, latest by 20.11.2012 so that appropriate order could be passed in the matter or if required, the matter could be fixed for further hearing.

14. Despite oral instructions again during the hearing on 19.10.2012, the CPIO Shri S K Verma, Assistant Registrar failed to provide the requisite list. Shri Jain however, filed a statement on 14.11.2012. The Commission felt that it can not wait indefinitely and therefore, decided that on the basis of material, including written submissions of the parties, as available in the file and the oral submissions made by the parties during the hearings, the matter be disposed of.
15. On perusal of the material available in the file, The Commission is of the view that there is no merit in the appeal filed by Shri S K Verma, Asstt. Registrar [Case No. CIC/SS/A/2012/001477] against the Order dated 08.11.2011 of the First Appellate Authority. The same is therefore, rejected and the CPIO is directed to comply with Para 11 of the FAA's order dated 08.11.2011, within 6 weeks of the receipt of this order.
16. The appeal filed by Shri R K Jain [Case No. CIC/SS/A/2012/000802] is also disposed of with the directions given in para 15 above.

Sushma Singh
(Sushma Singh)
Information Commissioner



Authenticated true copy:



(D C Singh)
Deputy Secretary & Deputy Registrar

Copy to:

1. **Shri S K Verma, Asstt. Registrar & CPIO,**
Customs, Excise & Service Tax Appellate Tribunal
West Block 2, R K Puram,
NEW DELHI – 110 066
2. **The First Appellate Authority**
Customs, Excise & Service Tax Appellate Tribunal
West Block 2, R K Puram,
NEW DELHI – 110 066.
3. **Shri R. K. Jain,**
No. 1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI – 110 003

Annex 3

RN0698/CESTAT/CPIO-ND/NK/2013
CUSTOMS EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, WEST BLOCK NO.2,
R.K.PURAM, NEW DELHI:110066.

Dt. 16/11/13

Id No. 0698/11

To,
Shri R. K. Jain,
15128 Bhisma P. Mohan Marg,
Wazir Nagar, New Delhi 11

Subject: Information under Right to Information Act
2005.

Sir,

Please refer to your RTI application No. 3397
Dt. 9/11 and our ID No. 0698/11, the information
received from SPS Toll Agency 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.



- COPIES TO
1) Dy. Registrar Customs
2) Dy. Registrar Excise
3) Dy. Registrar Single Member

(Naresh Kumar)
Dy. Registrar/CPIO

06/98/11

To

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

Sir,

With reference to F.No. 06-98/CESTAT/ CPIO-ND/ NK/2011 dated 8.4.2013 (ID NO. 06-98/2011) regarding information sought for monthly pendency statement starting from April, 2009 for order reserve cases/ order dictated but not pronounced within 30 days, the same may be prepared by respective Bench registries but not by staff of Hon'ble Members. We are only preparing monthly disposal statements.

For information please.

Dated: 15.4.2013

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

714/AW/13
15/4/13

Annexure 4

RNo 698 / CESTAT / CPIO - ND / NIC / 2013
CUSTOMS EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, WEST BLOCK NO.2,
R.K. PURAM, NEW DELHI: 110066.

Dt. 16/11/13
Id No. 0698/13

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. 3397
Dt. 06/11/13 and our ID No. 0698/13. The information
received from M. Ahnada Konda SPS 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.

Nh.

Copy to
1) Asstt Registrar/Customs
2) — do — Excise
3) — do — Stg. Member

(Naresh Kumar)
Dy. Registrar/CPIO

Dated:16.04.2013

Sir,

With reference to F.No.06-98/CESTAT/CPIO-ND/NK/2011 dated 8.4.2013 (ID No.06-98/2011) regarding information sought for monthly pendency statement starting from April, 2009 for reserved orders cases/ order dictated but not pronounced within 30 days, the same is being prepared by respective benches but not by the staff of Hon'ble Members.



(Chander Kanta)
Sr. Private Secretary

Dy. Registrar/CPIO, CESTAT, New Delhi.

Annexure 5

P No 06-98 / CESTAT / CPID-ND / NR / 2013
CUSTOMS EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, WEST BLOCK NO.2,
R.K. PURAM, NEW DELHI: 110066.

Dt. 16-11-13
Id No. 06-98/11

To,

Shri R K Jain 151213
Bhishma Pitru Mah
Wagon Road, New Delhi-3

Subject: Information under Right to Information Act
2005.

Sir,

Please refer to your RTI application No. 3397
Dt. 09/11 and our ID No. 06-98 the information
received from PA to & Secretary, Ministry 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

Dated: 16/04/2013

Naresh Kumar
Dy. Registrar, CESTAT,
New Delhi

Subject: RTI - Monthly Pendency Statement

Sir,

Please refer to your letter F.No. 06-98/CESTAT/CPIO-ND/NK/2011 and ID No. 06 - 98/11 dated 08.04.2013. You have enclosed RTI application of Sh. R.K. Jain wherein he has requested for :

- (A) Providing monthly pendency statement of reserved orders.
- (B) Month wise pendency details of dictated orders not issued within 30 days.

As regards (A) there was no reserved order which is pending.

As regards (B) similarly, nothing is pending. All orders dictated in the open Court were issued within 30 days. Mr. Sahab Singh, Member Technical, joined CESTAT on 03.12.2012.

Yours Faithfully

Ranju
16/4

Ranju Madhra
PA

Ran
16-04-2013

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

Date of Hearing : 22.5.2013

Appeal No. 08-07(A)/2013
CPIO ID No. 06-98/2011

Shri R.K. Jain

Appellant

Vs.

Shri Naresh Kumar, CPIO

Respondent

Order.....18/2013

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

2. The appellant states that due to paucity of time, he is not interested in pursuing the appeal. He requests for withdrawal of appeal.
3. Appeal is disposed of as withdrawn.

(Sahab Singh)

Appellate Authority under the RTI Act

To

1.

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

2.

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



28-5-2013

