

F. No. 12-72 / CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated:- 22/08/17

ID No. 12-72/2017

Subject: Information sought under RTI Act, 2005.

Sir,

Please refer to RTI application No. 10499/17 dated 22/08/17 of Shri /Smt. **R.K. Jain** under RTI Act 2005 (copy enclosed) wherein certain information are sought as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section 5(4) read with Section 5(5) of RTI Act 2005 the RTI application No. 10499/17 dated 22/08/17 CPIO ID No. 12-72/17 is forwarded herewith to the you as deemed CPIO with the request to provide the correct and para wise information/inspection on or before 06/09/17 directly to the applicant and intimate the undersigned within the stipulated time failing which, you will be responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated;12.02.2013 circulated on 23.05.2013.

If the information is not with your section or you, please reply from where it may be retrieved, without delay.

Note:- RTI application's replies which are related to outer benches may be gathered from there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.

→ note: whoever offices has been maintaining peon-book has to give date of insp. for the same if not maintaining, please inform accordingly that 'peon book' is not maintained there.

Encl: As above.

V.P. Pandey
(V.P. Pandey)

Attn:- Pl. reply pointwise within 20 days.

Central Public Information Officer

Copy to:

1. SPS to the Hon. President ✓
2. P.A. to the Dep. Registrar ✓
3. D R (A) ✓
4. D R (J) ✓
5. T. O (C.R. Section) ✓

6. Shri R. K. Jain, 1512-B, Bhishma Pitamaha Marg, Wazir Nagar, New Delhi-110003

o/c

Received
23/08/2017

23/8/17

23/08/17

23/8/17

23/08/17

A

1. 2956/UR/2017 22/08/2017 ID-12-72/2017

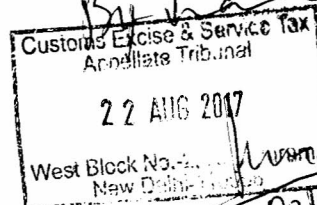
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/10499/17

Dated : 22-08-17

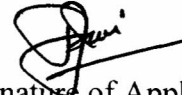
To

Shri V.P.Pandey ID-12-72/2017
CPIO & Asst. 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 inspection of the Dak Register and Daily Diary for office of the Hon'ble President, Registrar, Administration Section and Central Registry, CESTAT, New Delhi from 1-6-2016 till date of providing information.</p> <p>(B) Please provide inspection of the File Movement Register (English/Hindi version) of the office of the Hon'ble President, Registrar, Administration Section including DR(Admn.) and DR(Jud.) and Central Registry, CESTAT New Delhi from 1-6-2016 till date of providing information.</p> <p>(C) Please provide the inspection of the File Opening Register for office of the Hon'ble President, Registrar, Administration Section including DR(Admn.) and DR(Jud.) and Central Registry, CESTAT, New Delhi from 1-6-2016 till date of providing information.</p> <p>(D) Please provide details of files maintained in the office of the Hon'ble President, Registrar, Administration Section including DR(Admn.) and DR(Jud.) as on 1-8-2017 or any other date of August, 2017.</p> <p>(E) Please provide details of peon books maintained by various officers/sections from 1-1-2016 and inspection of such peon books.</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. 38F 220143 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.



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

Place : New Delhi

Encl. : as above

Hira/---asn

**Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066**

**Office of the CPIO
(RTI Section)**

CPIO ID No. 12-72/2017

Sir,

In this RTI application dated 22.08.2017 vide point 'A' & 'B' of the applicant Sh. R.K. Jain sought inspection of Dak Register and Daily Diary Register (File movement register) of office of the Hon'ble President.

In this regard the SPS of the Hon'ble President replied on 04.09.2017 and after that Sh. R.K. Jain moved a letter dated 05.10.2017 and again reply was sought from the SPS, who replied on 01.11.2017, in which he did not claim any exemption and is ready to give inspection and orally informed the date and time i.e. 17.11.2017 between 10.30 AM to 11.30 AM with the SPS.

Therefore, the applicant is permitted to make inspection with the SPS Sh. J.K. Golay on the above mentioned date and time.


CPIO 08.11.17

CESTAT, Delhi

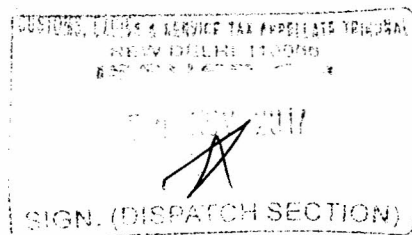
Date: 08.11.2017

To:

Shri R. K. Jain,
1512-B, Bhishma Pitamaha Marg,
Wazir Nagar, New Delhi-110003

Copy to:

Sh. J.K. Golay
SPS to the Hon'ble President.



*** Send Results ***

Sending is complete.

Job No.	4211
Address	24635243
Name	
Start Time	08/11 05:31 PM
Call Length	00'36
Sheets	1
Result	OK

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI**

01.11.2017

REF : CPIO ID NO. 12-72/2017

Kindly refer to your missive under reference in furtherance to reply dated 04.09.2017 for furnishing information with respect to RTI Application No. 10499/2017 under RTI Act, 2005. In this communication, you have mentioned that applicant has come for inspection, but inspection was not provided. It is correct that the Applicant has come for inspection, but neither you, being CPIO, have given anything in writing for providing inspection nor called for the records to enable applicant for the purpose. This factual position, at that time, was also informed to the Applicant. However, to facilitate the inspection, as you deem fit, a few lines may please be communicated.



SPS TO HON'BLE PRESIDENT

CPIO

02/11/17

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

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

With reference to the RTI application No.RTI/P-195/10005/16 dated 16.6.2016 filed by Shri R.K. Jain in CPIO I.D. No.11-103/2016, the relevant information, available now, is as under:

A combined information pertaining to Point No.A, B and E have already been provided vide reply dated 27.6.2016 (copy enclosed).

Regarding point No. F, I am directed to say that the requisite information cannot be disclosed as stated in the Commentary (India Law House - 2010) under its Serial No.25 and 26 of Section 8 of RTI Act, 2005 wherein it is stated that -

25. Official Communication. - There is yet another provision of Section 124 of the Evidence Act, apart from Section 123 relevant to official matters. A public officer shall not be compelled to disclose communications made to him in official confidence, when he considers that the public interest would suffer by disclosure. Like Section 123 the fundamental basis of this provision in regard to public welfare, which is always the paramount consideration. As stated in the case of Chaman Lal v. State of Punjab, AIR 1970 SC 1372, the privilege extends only to

- (a) communication upon the subject with respect to which the privilege extends, and*
(b) the privilege can be claimed in exercise of the right to safeguard of interest which creates the privilege,

It is also to be considered where the communication sought to be disclosed was made in official confidence.

There may be cases where disclosure of such communication may not be in the own interest of the public officer concerned, or the person making such communication to him, yet necessary for the just decision of the case. The plea of privileged document was denounced in the Apex Court in the case of S.P. Gupta v. Union of India, AIR 1982 SC 149, weighing the consequences of disclosure and non-disclosure at the concluding part of the lengthy judgment.

There may be cases of morality and justice against the government on the questions of pleas of non-disclosure by them. Such pleas should not be taken at whims. The Apex Court in the case of the Madras Port Trust v. Hymanshu International, AIR 1979 SC 1144. It was observed that government and public authorities adopt the practice of not relying upon technical pleas for the purpose of defeating legitimate

CPIO

claims of citizens and do what is fair and just to the citizens. As also stated in the case of *State vs. Sardarmal*, AIR 1987 MP 156, it does not behove the State Government to keep back any such document, the production of which may possibly not be in the interest of the government or the public authority, yet necessary for just decision of the Court. Withholding of documentary evidence for a litigant, professed and held to be virtuous, can hardly be said to be desirable. The observations of the Apex Court in the case of *Dilbagh Rai Jarry v. Union of India*, AIR 1974 SC 130 are also relevant in the context. It was stated that the State is not an ordinary party trying to win a case against one of its citizens by hook or by crook for the State's interest is to be meet honest claims, vindicate a substantial defence and never to score a technical point or overreach a weaker party to avoid a just liability or secure an unfair advantage, simply because legal devices provide such an opportunity. In this country the State is the largest litigant and huge expenditures are involved in litigations. It is no enough for the State to come out with the plea of privilege.

26. Communication made to a public officer. – Public policy requires that a communication made to a public officer in 'official confidence' should not be disclosed being detrimental to the public interest or service. The confidence reposed may be express or implied. The occasion for claiming privilege under section 124 arises only when the evidence sought to be given is a communication made to the "public officer" in "official confidence". This the condition precedent before a privilege can be claimed. If this condition remains unfulfilled, no such privilege can be claimed. It is always to be decided whether such communication was in "official confidence" or not. The public officer concerned cannot be a judge to this question which power is given to Court. Court is to order production and inspect of document by itself to determine whether the communication was or was not made in official confidence. If the answer is in negative, the document has to be produced and if the answer is in affirmative then, it is for the officer concerned to decide whether the document should be produced or not. Privilege has been given not for the benefit of the person making the communication but for the protection of the public interest alone. The dominant objective envisaged under the provision is to prevent disclosure to the detriment of public interest.

In view of the above, the information asked for cannot be disclosed as they are strictly confidential and administrative in nature.


(S.C. Das)

Sr. P.S. to Hon'ble President

Assistant Registrar/CPIO, CESTAT, New Delhi

o/c

**Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066**

RTI Section

CPIO ID No. 12-72/2017

Subject: Regarding inspection under RTI Act, 2005.

Sir,

Please refer to the above stated RTI application of Sh. R.K. Jain in which he sought inspection of daily Dak register for the office of Hon'ble President vide point 'A' and inspection of file movement register for the office of Hon'ble President vide point 'B'.

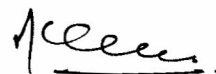
Sh. Jain has communicated to the undersigned vide his letter dated 05.10.2017 that two times he went to you for inspection but it was not provided.

You are the Deemed CPIO in this matter and the CPIO is the co-ordinator. Thus, your reply for providing inspection of the record in your office will be final.

Therefore, you are requested to reply within 03 days weather you are ready to provide inspection of the said record or not or claiming any exemption whatever may be.

Please reply clearly without delay so it may be communicated accordingly.

Date: 26.10.2017




CPIO 26.10.17

CESTAT, Delhi

To,

Sh. J.K. Golay
SPS to the Hon'ble President

o/c


29/10/17

3318/CR/2017
13/09/2017

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

1512-B, Bhishm Pitamah Marg,

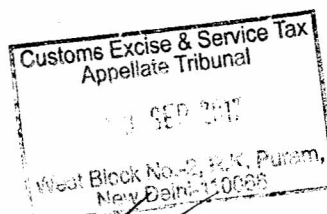
Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243



RTI/P-195/10503/17/R22019

09-09-2017

Shri V.P.Pandey
CPIO & Asst. Registrar
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066

Sub: My RTI Application No. RTI/10503/17, dated 24/08/17

Dear Sir,

As desired in your letter Id No.12-72/2017 dated 30-8-2017, please find **enclosed** herewith following postal Orders for Rs 12/-

1. Postal Order No 38F 220102 for Rs 10/-.
2. Postal Order No 70C 843490 for Rs 5/-.

The excess amount of Rs 3/-is waived in your favour.

Thanking you,

Yours faithfully,

[R.K. Jain]

Encl: As above
PI

3809/UR/2017
06/10/2017
R.K. JAIN

M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

By *[Signature]*
Customs Excise & Service Tax
Appellate Tribunal
06 OCT 2017
West Block No. 2
New Delhi-110066
1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243

RTI/P-195/10499/17/R22037
05-10-2017

URGENT

Shri V.P.Pandey
CPIO & Asst. Registrar
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066

Sub: My RTI Application No. RTI/10499/17, dated 22/08/17

Dear Sir,

(104) This refers to your letter No Id No.12-72/2017 dated 11-9-2017 and as desired
Please find **enclosed** herewith a Postal Order No. 38 F 220118 for Rs.10/-.

As regards to inspection of records for Points (A) & (B), I have twice contacted
the SPS to the Hon'ble President for inspection of records, but he has stated that such
inspection has to be facilitated by the CPIO. This fact has been brought to your notice on
two occasions, but the inspection of the concerned records has not so far been provided.

You are requested to kindly make suitable arrangement for inspection of the
records, as the RTI Application in question is dated 22-8-2017 and 30 days period is
already over.

Thanking you,

Yours faithfully,

[Signature]

[R.K. Jain]

Encl: As above
PI

F. No. 12-72/ CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated: 11.09.2017
ID No. 12-72/2017

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 10499/20174Dt. 22.08.2017 and our ID No. 12-72/2017 the information received from SPS to Hon'ble President, PA to the Registrar, DR (A), DR(J), and T.O. (C.R. Section) containing 1+1+1+1+1=5 pages is enclosed herewith for your reference please.

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

Note:- RTI application's replies which are related to outer benches may be gathered from there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.

If aggrieved, you may file an appeal under section 19 of RTI Act within thirty days before Hon'ble First Appellate Authority, CESTAT New Delhi.


(V.P. Pandey)

Central Public Information Officer

o/c

Note: Inspection as proposed by PA to the Registrar on 06th September, 2017 and as 6th September is already passed, so it may be made on 22.09.2017 between 3.00 PM to 5.00 PM with 02 days prior intimation to the PA to Registrar.

Copy to:-
PA to Registrar

C-
14/9/17

11 SEP 2017

6/9/17

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI**

04.09.2017

SUB : REPLY TO RTI APPLICATION NO. 10499/2017
REF : ID NO. 12-72/2017

Kindly refer to your letter F.No. 12-72/CESTAT/CPIO-ND/VPP/2017 dated 22.08.2017 for furnishing information under RTI Act, 2005. The parawise information is given below:

(A)	May be granted
(B)	May be granted
(C)	Since files are not being initiated from the O/o Hon'ble President, File Opening Register is not required.
(D)	All the files either administrative or judicial are being put up by the concerned sections through Registrar for the kind approval of the Hon'ble President, the O/o Hon'ble President does not come into the picture.
(E)	Not maintained.



(J.K. GOLAY)
SPS TO HON'BLE PRESIDENT

CPIO

rec 28/8/17

Customs Excise & Service Tax Appellate Tribunal
West Block No.2, R.K. Puram, New Delhi – 66

Dated : 28.08.2017
CPIO I.D. No. 12-72/2017

Sub: Information under the RTI Act, 2005 – reg.

With reference to the RTI application no. RTI/P-195/10499/17 dated 22.8.2017 filed by Shri R.K. Jain in CPIO I.D. No. 12-72/2017, I am directed to inform you that the relevant information pertaining to Registrar office is as under:

(A) The copies of the Daily diary/ dak register of Registrar office for the period from 1.3.2016 to 10.1.2017 has already been provided to the applicant in RTI application no. RTI/P-195/10269/16 dated 23.12.2016 in I.D. No. 177/2016 vide letter dated 10.1.2017.

The copy of the Diary register for the period from 10.1.2017 to 31.3.2017 has already been provided to the applicant in RTI application no. RTI/P-195/10443/17 dated 11.5.2017 in CPIO I.D. No. 12-48/2017 vide letter dated 30.05.2017.

From 1.4.2017 onwards, the diary register maintained in Registrar office has been digitalised and as such the applicant may take the relevant information from 1.4.2017 onwards from the official website of CESTAT.

However, if the applicant so desires, he may inspect the register on any working day on or before 01.09.2017.

- (B) The applicant may inspect the file movement register (English) for 2016 and 2017 maintained in registrar office on any working day on or before 06.09.2017
- (C) The applicant may inspect the file opening register maintained in registrar office on any working day on or before 06.09.2017
- (D) The list of files maintained in Registrar office may be obtained from the official website of CESTAT.
- (E) No peon book is maintained in Registrar office.


P.A. to Registrar

To

CPIO, CESTAT, New Delhi

28/8/17

**F. No. 53(RTI)/ Miscn./CESTAT/ N.D.-2016 Vol.-II
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066**

Admn. SECTION

CPIO ID No: 12-72/2017

Date: 25.08.2017

Sub: information sought under RTI Act 2005 - reg.

Sir,

Please refer to the RTI No. RTI/P-195/10499/17 DT. 22/8/2017 of Shri R. K. Jain and to say that the applicant can inspect the requisite records on points A, B, C & E on any working day during office hours under the supervision of the undersigned.

D) The details of files maintained in the Administration section have already been uploaded on the website www.cestatnew.gov.in under the Suo-Moto disclosure under RTI Act 2005.

E) There is one peon book is maintained in the Administration Section. Any further detail may be obtained on ~~the~~ inspection.

Yours faithfully,



(Bineesh Kumar K. S.)
Dy. Registrar (Admn.)

To:

CPIO CESTAT New Delhi

Subject: Sh. R.K. Jain RTI application No. P-195/10499/2017 dated 22.08.2017 in CPIO ID No. 12-72/2017 (received on 28.08.2017) and reminder letter dated 29.08.2017 reg.

Sir,

With reference to Sh. R.K. Jain RTI application under subject, the Para wise reply/ information is as under:-

Para 4 (A): The information sought under this paras is not related to the DR (J)/Customs Appeal Branch.

Para 4 (B to C) & (E): In this regard it is to inform that no file opening regisrer or file movement register or peon book are maintained in the office of DR(J) and Customs Appeal Branch.

Para 4 (D): In this regard it is informed that the following file are being maintained by the DR (J)/Customs Appeal Branch:


- (i): 32(37)/misc/DR(J)/Judl-2016
- (ii): 32(32)/misc/Proactive-sou-moto/Judl-2016
- (iii): 32(29)/misc/Customs Branch/Judl-2016

CPIO is requested to transmit the same to the applicant urgently.


Mohinder Singh
Dy. Registrar(J)

To:

1. CPIO CESTAT, Delhi


8/9/17

CENTRAL REGISTRY

Dated :29/08/2017

I.D. NO. 12-72/2017

Sub : Information sought by Shri R.K. Jain under the RTI
Act 2005 ----reg.

Please refer to note dated 22/08/2017 of CPIO issued vide
F.No.12-72/CESTAT/CPIO-ND/VPP/2017. The point wise reply to
information sought by the applicant is as under:-

Reply to (A) and (C): Inspection of File Movement
Register ,Daily Diary, File Opening Register and DAK Register of the
Central Registry for the period from 01.06.2016 till date may be
carried out by the appellant on any working day subject to 2 days
advance notice to Central Registry.

Reply to (D)&(E): The information sought does not pertain to this
section


(Sunil Kumar)
Technical Officer

To,
✓ Sh. V.P. Pandey,
CPIO/Asstt. Registrar, CESTAT, New Delhi.


29/8/17