

SIGNATURE SECTION
- 1 DEC 2017

217

Central Public Information Officer
(V.R. Pandey)

Delhi.

If aggrieved, you may file an appeal under section 19 of RTI Act within thirty days before Honble First Appellate Authority, CESTAT New

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

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

Please refer to your RTI application No. 10501/17 Dt. 10/5/17 information received 23-08-17 and our ID No. 12-75/17 the information received from PA to the Registrar containing 22 pages is enclosed herewith for your reference please.

Sir/Madam,

Subject: Information under Right to Information Act 2005.

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

To,

F. No. 12-75 / CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated. 29/11/17
ID No. 12-75/17

✓

Speed Post

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

Date : 27.11.2017

To,

CPIO
CESTAT
NEW DELHI

Sub : Right to information act 2005
CPIO ID No. : 12-75/2017

Sir,

Shri R.K. Jain vide letter no. RTI/10511/17 dated 20/11/2017 had informed that some pages of Judicial File 2017 which were taken by him in RTI No. 12-75/2017, are not legible or are missing. Hence, point-wise information to his letter is as under:-

1. Note sheet Page no. 89 is not available due to mistake in numbering of pages.
2. Copy of correspondence Pages Nos. 279,281,283,285,285-287,402,404,406,417,419,421 & 423 are enclosed herewith.
3. Copy of correspondence Pages Nos. 447 & 448 are enclosed herewith. Printing of Page No. 316 is very light. Hence, Xerox copy of the same is not legible. In the alternate you may inspect the page in person on any working day on or before 8.12.2017.

applicant.

PA to Registrar

 27/11/17

Copy to:-

Sh. R. K. Jain
1512-B, Bhisim Pitamah Marg
Wazir Nagar, New Delhi-110003
Fax No. 011-24635243

TECHNICAL MEMBER

(H.K. THAKUR)

[Handwritten signature]

(Operative part of the order already pronounced in the Court)

In view of the above, appeal No. E/1015/2011 filed by the appellant is allowed with consequential relief, if any. Appeal No. ST-384/11 is disposed off as infructuous. The time bar aspect of the demand has not been deliberated upon by the Bench as on merits itself the issue stands decided in favour of the appellant.

document issued by the distributor is a valid document or not. But the issue is whether the registered office of the appellant is required to be registered at all when they have only one factory and when the credit has been taken by the factory on the basis of invoices issued by service providers. There is also no indication or no allegation in the show cause notices or in the findings that appellant's factory did not receive the service. In the decisions cited by the learned counsel, a view was taken that credit cannot be denied and the invoice is in the name of registered office/head provided the same is endorsed. For this purpose the circular issued by the Board on 14-5-1996 was taken note of in the case of *DNI Spinnings*. In this case there is no allegation or finding that such document was not endorsed and department has not even asked the appellant to keep the invoices endorsed. In fact in the case of *Modern Perroffs* a view was taken that if the service was received by the factory, credit is admissible even if the document is in the name of registered office. I find that the decisions relied upon by the learned counsel are squarely applicable to the facts of this case and therefore appeal has to be allowed. Accordingly, I allow the appeal. In the result stay application as well as appeal get disposed of."

[Handwritten signature]

upon the following case laws in support of his argument that non-registration of the Headquarters of the Headquarter is only a procedural irregularity which cannot be made as the basis of rejecting the CENVAT credit when appellant is having only one manufacturing unit in India:

- i) Bloom Dekor Ltd. Vs. Commr. of Centra Excise, Ahmedabad-2012 (28) S.T.R. 182 (Tri.-Ahmd.)
- ii) ~~Parekh Plast (India) Pvt. Ltd. Vs. Commr. of Central Excise, Vapi-2012 (25) S.T.R. 46 (Tri.-Ahmd.)~~
- iii) Commr. of Customs & Central Excise, Vapi Vs. DNH Spinners 2009 (16) S.T.R. 418 (Tri.-Ahmd.)
- iv) Durterrit Asea Pvt. Ltd. Vs. Commr. of Central Excise, Guntur-2010 (258) E.L.T. 414 (Tri.-Bang.)
- v) Commr. of Central Excise, Pune Vs. Telco Ltd. - 2006 (204) E.L.T. 83 (Tri.-Mumbai)

2.1 It was also the case of the appellant that all the service tax credit taking entries in CENVAT Credit account were submitted to the Department alongwith the refund claims filed with the Department under area based exemption Notification No. 33/99-CE dated 8/7/1999. That there is no suppression/wilful mis-statement with intention to take irregular credit when all the details were given every month to the Department. It is the case of the Ld. Consultant that demands are time barred.

3. Shri A. Roy, supdt. (A.R.) appearing on behalf of the Revenue argued that Headquarters of the appellant should have been registered as ISD distributor before appellant could take CENVAT Credit. Ld. A.R. strongly defended the order passed by the adjudicating authority.

HK

(81)

**CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL
EAST REGIONAL BENCH : KOLKATA**

Excise Appeal No.: 1015/11 & Service Tax Appeal No. ST/384/11

(Arising out of the Order-in Appeal No. 20/SI/CL(A)/CHY/11 dated 29/04/2011 passed by the Commissioner of Customs & Central Excise (Appeals), Guwahati)

SHRI H.K. THAKUR, HON'BLE TECHNICAL MEMBER

=====

1. Whether Press Reporters may be allowed to see the Order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982?
2. Whether it should be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not?
3. Whether their Lordships wish to see the fair copy of the Order?
4. Whether Order is to be circulated to the Departmental Authorities?

Cement Manufacturing Company

..APPELLANT(S)

VERSUS

Commr. of Central Excise & Service Tax,
Shillong

RESPONDENT(S)

APPEARANCE

Shri S.P. Siddhanta, Consultant

FOR APPELLANT(S)

/ Sri A. Roy, Supdt. (A.R.)

FOR THE RESPONDENT(S)

CORAM:

SHRI H.K. THAKUR, HON'BLE TECHNICAL MEMBER

DATE OF HEARING & DECISION: 06/09/2016

[Handwritten signature]

[Handwritten signature]

k.b/-

TECHNICAL MEMBER
(H.K. THAKUR)
25/7/16
HK

(Operative part of the order already pronounced in the court)

is restored.

Order-in-Original dated 30/10/2008 passed by the adjudicating authority required to be set aside. Appeal filed by the Revenue is allowed and basis. Accordingly, the order passed by the first appellate authority is contract between appellant and the customers is not on FOR destination not satisfied. In the existing factual matrix, it has to be held that the availing CENVAT credit on transportation services beyond the factory are unloading of goods. Accordingly, the conditions prescribed by CBEC for

contract appellant is not responsible for any damage during transit and observed from para 2 of Order-in-Original dated 30/10/2008 that as per has to bear the risk of loss or damage to the goods during transit. It is 23/8/2007 that one of the conditions for availing such credit is that seller DATED 23/08/2007. It is observed from para 8.2 of the said circular dated

(supra) has upheld the authenticity of CBEC Circular No. 97 (8)/2007-ST



Per SHRI H.K. THAKUR

This appeal has been filed by the Revenue against Order-in-

Appeal No.11/pat/C.Fx./Appeal/2010 dated-11/02/2010 passed by

Commissioner (Appeals), Patna.

2. Shri S. Mukhopadhyay, Supdt. (A.R.) on behalf of the

Revenue argued that appellant has taken credit on outward transportation

from the place of removal . It is also the case of the Revenue that CBEC

Circular No. 137/3/2006-CX dated 2/2/2006 is not applicable as held by

the first appellate authority. It is the case of the Ld. A.R. that as per the

language of contract reproduced in para 11 of the Order-in-Original dated

30/10/2008 the damages if any during transportation will not be

responsibility of the appellant. That as per para 8.2 of CBEC master

circular No: 97/8/2007-ST dated 23/08/2007 if the conditions are not

fulfilled CENVAT credit is not admissible. Ld. A.R. relied upon the case law

of Calcutta High Court in the case of CCE, Kolkata-VI Vs. Vesuvius

India Ltd. [2014 (34) S.T.R. 26 (Cal.)] and argued that on the same issue

jurisdictional High Court has held the authenticity of CBEC Circular

97/8/2007-S.T. dated 23 August, 2007.

3. Shri S. Kumar, Consultant appearing on behalf of the

Respondent argued that the appeal filed by the Revenue is time barred as

the period of limitation has to be counted from the date of order passed

by the first appellate authority and not from the date of receipt of Order-

in-Appeal dated 11/02/2010. Ld. Consultant relied upon the Apex Court

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6. Registry is directed to place the record before the Hon'ble President to hear the issue and evolve policy if any, as he pleases, relating to entertainment of early hearing applications at the interest of justice.

[Dictated and Pronounced in the open court]

(Ashok K. Arya)
Member (Technical)

Signature

(D.N. Panda)
Member (Judicial)

Signature

भाषित वरि/Certified True Copy

Signature

Deputy Registrar/Assst. Registrar
अधिवक्ता सहायक/अधीनस्थ अधिवक्ता
ऑफिस नं. 11/वेस्ट ब्लॉक नं. 11
एम्पावर गेट, नई दिल्ली-66

Bhanu

guidelines for early hearing was issued by the Hon'ble President which is extracted below, Hon'ble President may consider grievance of the appellant:

Early Hearing Requests how to be considered

Requests are received from time to time from Parties to appeal, seeking priority in hearing and disposal. Such requests may be addressed directly to the Benches or may be addressed directly to the President. In either case, they are normally referred to the Presiding Members of the respective Benches for a decision on the request of early hearing.

A feeling has been voiced among Members that there should be some uniformity of approach in deciding such requests. The matter came up at an informal meeting with Members recently. A suggestion was made that the following were situations where grant of early hearing might be justified:-

- i) Where goods are of perishable nature and continue to be under detention / confiscation while the appeal proceedings are on;
- ii) Baggage matters;
- iii) Where prima facie the fines and penalties are grossly disproportionate to the value of the goods involved, particularly cases of excessive redemption fine in lieu of confiscation;

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

COURT-IV

Date of hearing: 16.06.2017

Application No. ST/MISC/50407/2017
Appeal No. ST/50477/2017-CU[DB]

M/s. Alpha Corp Development Pvt. Ltd. ... Appellant

Vs.

CCE Delhi-II ... Respondent

Appearance:

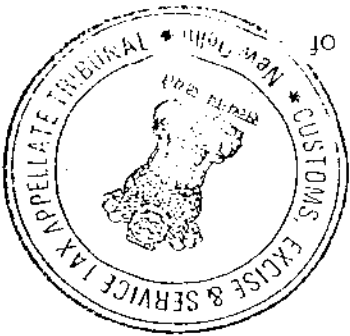
Present Shri Anil Sood, Advocate for the appellant
Present Shri Amresh Jain, DR for the respondent

Coram: Hon'ble Mr. D.N. Panda, Member (Judicial)
Hon'ble Mr. Ashok K. Arya, Member (Technical)

MISC ORDER No. 50432 /2017

Per D.N. Panda:

Moving the Miscellaneous application for early hearing of the appeal, while the appellant says that to serve the ultimate purpose of providing taxable services of renting of immovable property it has constructed an edifice using the taxable inputs and input services which entitles the appellant to Cenvat Credit of the duties / taxes paid on such input or input services and such claim of appellant is based on the provision of Rule 2 (i) of the Cenvat Credit Rules 2004, Id. Adjudicating authority has disallowed Cenvat Credit to the extent of of Rs.2,40,33,581/- and tax demand to that extent was levied followed by interest and penalty.



406

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ॐ श्रीगणेशाय नमः
 Deputy Registrar, District Court, New Delhi-56
 ॐ श्रीगणेशाय नमः
 Deputy Registrar, District Court, New Delhi-56
 ॐ श्रीगणेशाय नमः
 Deputy Registrar, District Court, New Delhi-56
 ॐ श्रीगणेशाय नमः
 Deputy Registrar, District Court, New Delhi-56

प्रमाणित/ Certified True Copy

Member (Judicial)
(D.N. Panda)

sd

Member (Technical)
(Ashok K. Arya)

sd

[Dictated and Pronounced in the open court]

6. Registry is directed to place the record before the Hon'ble President to hear the issue and evolve policy if any, as he pleases, relating to entertainment of early hearing applications at the interest of Justice.

(417)

4/19

guidelines for early hearing was issued by the Hon'ble President which is extracted below, Hon'ble President may consider grievance of the appellant:

Early Hearing Requests how to be considered

Requests are received from time to time from Parties to appeal, seeking priority in hearing and disposal. Such requests may be addressed directly to the Benches or may be addressed directly to the President. In either case, they are normally referred to the Presiding Members of the respective Benches for a decision on the request of early hearing.

A feeling has been voiced among Members that there should be some uniformity of approach in deciding such requests. The matter came up at an informal meeting with Members recently. A suggestion was made that the following were situations where grant of early hearing might be justified:-

- i) Where goods are of perishable nature and continue to be under detention / confiscation while the appeal proceedings are on;
- ii) Baggage matters;
- iii) Where prima facie the fines and penalties are grossly disproportionate to the value of the goods involved, particularly cases of excessive redemption fine in lieu of

confiscation;

98

8

penalty.

Moving the Miscellaneous application for early hearing of the appeal, while the appellant says that to serve the ultimate purpose of providing taxable services of renting of immovable property it has constructed an edifice using the taxable inputs and input services which entitles the appellant to Cenvat Credit of the duties / taxes paid on such input or input services and such claim of appellant is based on the provision of Rule 2 (i) of the Cenvat Credit Rules 2004, Id. Adjudicating authority has disallowed Cenvat Credit to the extent of Rs.4,68,01,151/- and tax demand to that extent was levied followed by interest and

Per D.N. Panda:

MISC ORDER No. 50461 /2017

Coram: Hon'ble Mr. D.N. Panda, Member (Judicial)
Hon'ble Mr. Ashok K. Arya, Member (Technical)

Present Shri Anil Sood, Advocate for the appellant
Present Shri Amresh Jain, DR for the respondent

Appearance:

CST Delhi Respondent

Vs.

M/s. Ruchi Malls Pvt. Ltd. Appellant

Application No. ST/MISC/50406/2017
Appeal No. ST/50489/2017-CU[DB]

Date of hearing: 16.06.2017

COURT-IV

West Block No.2, R.K.Puram, New Delhi

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

(Handwritten initials)

(Handwritten marks)



• Self folders to post. seen every day
for Requests sent. due to form / sum
of staff / person SM has sent to
write d letter to ~~the~~ Registrar
but then Advise or Give Refer to
post only as matter for SM or OS

2

arguments have been completed and where matters are covered by series of earlier judgments of the Tribunal. In those cases also, the matters are being reserved and after a longer period, these are decided against the appellants citing judgments which were not at all cited by either side. Although it is the prerogative of the Hon'ble Members to reserve the order and pronounce the same at the later date but it should be restricted to in rarest of the rare cases. When the issues are crystal clear and supported by a series of judgments, well argued in open Court, it is not desirable to keep it reserved. In all fairness, the same can be pronounced in the open Court when the arguments from both sides are complete and the matter is always fresh in the minds of the Hon'ble Members. To keep the matters reserved for quite a longer time, it loses its importance. The quality of the orders also gets affected in the process.

Since it is a matter of concern across the bar, we request that necessary instructions/guidelines may be issued to adopt the practice to pronounce the orders in the open Court as and when the arguments are concluded. Only in exceptional cases, orders can be reserved where the Hon'ble Members want written submissions in order to dictate the order.

We therefore, humbly request that the Hon'ble Members may be impressed upon to pronounce the orders immediately on conclusion of the arguments and the practice of keeping the orders reserved should be minimized. We further request that the matters which have been reserved may kindly be pronounced immediately so that the counsels can earn their livelihood by getting their legitimate fees from the clients, and also retain confidence of the trade.

An early action is appreciated.

Your faithfully



For:- Chandigarh Indirect Tax Practitioners Association

Copy: (i) The Hon'ble Member Judicial for necessary information
 (ii) The Hon'ble Member Technical for necessary information

Dated:- 03.08.2017

No.

To

The Hon'ble President,
Customs, Excise and Service Tax Appellate Tribunal,
West Block No.2, R.K. Puram,
New Delhi

Sub:- Pendency of reserved orders in Chandigarh Bench - non-pronouncement

thereof.
Respected Sir,

It is hereby respectfully submitted that this association in consisting of advocates and consulates who are appearing on day to day basis before the Chandigarh Bench of the Hon'ble Tribunal.

Many of the members have expressed their concern about the practice of reserving orders after completion of arguments from both sides. It has become rule to reserve order and not exception whereas it is long practice in this Hon'ble Tribunal that orders are reserved in exceptional cases. Even after reserving, the orders are not pronounced for months together. In the past, it has been noticed that some of the matters which were reserved, orders were not pronounced within the time as directed by the Hon'ble Tribunal from time to time and some of the matters had to be released and relisted. In a number of matters, where the orders have not been pronounced, the counsels are not able to clear their clients about the outcome of the matters especially when the same have been argued without any further requirement of documents from either side.

Non pronouncement of reserved orders has resulted in chaotic situation among the fraternity and clients are not paying agreed fees to the counsels for want of outcome of the matters. This has resulted in a very bad situation as the counsels are losing confidence and interest of the clients and it is the question of their bread and butter. It has also been noticed that the practice of reserving the orders has also increased especially at Chandigarh Bench of the Hon'ble Tribunal. In Single Member Cases before one of the Benches almost all matters are kept reserved. Even though the

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10/18/17

(448)

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 References;
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-195/10501/17/R22063
06-10-2017

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/10501/17, dated 23/8/2017

Dear Sir,

As desired in your letter Id No.12-75/2017 dated 11-9-2017, please find enclosed herewith a Pay Order No 029368, dated 6-10-2017 for Rs 1244/-drawn at Axis Bank Ltd., Defence Colony, New Delhi.

Thanking you,

Yours faithfully,



[R.K. Jain]

Encl: As above
PIS

104

~~11/10/17~~

23/08/2017

3854/GR/2017
11/10/2017

Encl: As above
Pl

[R.K. Jain]

Yours faithfully,


Thanking you,

The excess amount of Rs 2/- is waived in your favour.

1. Postal Order No 93G 280732 for Rs 50/-
2. Postal Order No 18G 271790 for Rs 20/-
3. Postal Order No 38F 220116 for Rs 10/-
4. Postal Order No 38F 220115 for Rs 10/-

As desired in your letter Id No 12-75/2017 dated 15-9-2017, please find enclosed herewith following postal Orders for Rs 88/-

Dear Sir,

Sub: My RTI Application No. RTI/10501/17, dated 23/8/2017

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

RTI/P-195/10501/17/R22046
06-10-2017

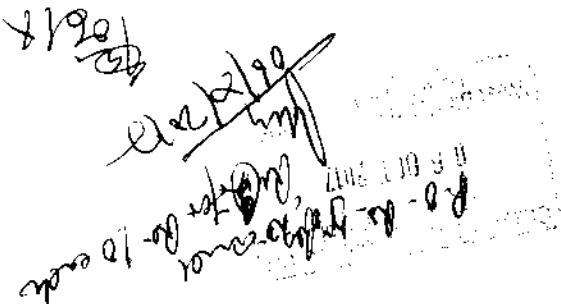
1512-B, Bhisim Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243

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

President, Excise and Customs Bar Association
Editor of
EXCISE LAW TIMES & SERVICE TAX REVIEW
and author of

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

3508/GR/2017
06/10/2017


R.K. Jain
06/10/2017
10501/17

105

F. No. 12-75 / CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated. 15/9/17
ID No. 12-75/17

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

Subject: Information under Right to Information Act 2005.

Sir/Madam,

Please refer to your RTI application No. 10501/17. Dt. 23/08/17 and our ID No. 12-75/17 the information received from D&T Admin containing 44 pages is enclosed herewith for your reference please.

You are, Therefore, requested to please acknowledge the receipt and deposit Rs. 88/- (@ 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 form 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 Honble First Appellate Authority, CESTAT New Delhi.

Central Public Information Officer

(V.P. Pandey)

15-9-2017

SIGN. (DISPATCH SECTION)

15 SEP 2017

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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

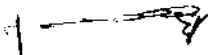
CPIO ID No: 12-75/2017
Date: 12.09.2017

Sub: information sought under RTI Act 2005 - reg.

Sir,

Please refer to the RTI No. RTI/P-195/10501/17 DT. 23/8/2017 of
Shri R. K. Jain and find reply to Para G as under:

G) The tour of the staff of CESTAT for the period of 2016 – 17 is being
dealt in File No.28(15)/CESTAT/Staff-Tour/Admn./2010- Vol. III and the
photocopies of the note sheet of said file with effect from 1/11/2016 is
enclosed herewith.
Total - 44 Pages.

Yours faithfully,


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

To:
CPIO CESTAT New Delhi

14/9/17


F-NO. 28(15)/CESTAT/Sikim-Regu/Admin/2010
Vol. III
①

Submitted to Hon'ble President

The Hon'ble High Court of Sikim vide order dated 28.7.2016 directed the Tribunal to pass a reasoned order in E/75920, 75003, 76004/14, E/75290/16 preferably within a period of 2 months. As per direction of Hon'ble High Court, the appeals were listed before Division Bench on several occasions. But no order could be passed in the matter and meanwhile one of the Hon'ble Member retired on 30.9.2016.

The Deputy Registrar, CESTAT, Kolkata vide letter dated 15.11.2016 has forwarded a copy of the Hon'ble High Court of Sikim order dated 26.10.2016, wherein the Hon'ble High Court has taken a serious view for not deciding the pending appeals, despite clear directions and also directed the Deputy Registrar, CESTAT, Kolkata to appear before the court on 21.11.2016.

In view of the above, if approved, court order may be issued in respect of Shri T.K. Sarkar, Deputy Registrar, CESTAT, Kolkata from 20.11.2016 to 22.11.2016 for appearing before Hon'ble High Court of Sikim on 21.11.2016.

Submitted for approval/further orders, please.

Registrar
S. J. Singh

Hon'ble President
15/11/16

PUC is letter received from Hon'ble Sh. B.S.V. Murthy, Member (T) (now ret'd) vide letter dated 08.11.2016 has stated that the inquiry proceedings on 24.11.2016 at 10 A.M. in CESTAT headquarters office in New Delhi against Sh. S.K.Verma, Assistant Registrar, CESTAT, Chandigarh vide Ministry Order dated 01.11.2016. Therefore, Hon'ble Member (T) (ret'd) has requested to get the approval of the Hon'ble President, CESTAT for the tour of Shri. S.K. Verma, Assistant Registrar and communicate the same to Shri. S.K. Verma, Assistant Registrar.

Dy No. 2915 dated 16.11.2016

Submitted for further orders, please.

It approved we may
 for S.K. Verma from
 information for order, please
 DR (Admin)
 23.11.16 to 25.11.16
 AM
 16/11/16

Hon'ble Registrar

In view of Murthy's order dt-1.11.2016
 S.K. B.S.V. Murthy is the member / inquiry officer who
 issued writ leave order. Sh. S.K. Verma having 12
 changed report, if approved we may visit Murthy
 order to him to make available to 24.11.2016 etc
 looking for visit leave order to visit for
 23-11-2016 to 25-11-2016

17/11/16
 H.K. Pandey

19/11/16
 17/11/16

16/11/16



A few four order is placed below for kind
Sign by D.R. (H).
②

17/11/16
D.R.

M
17/11/16
D.R. (H)

Submitted to Hon'ble President

Place below is a Note dated 22.11.2016 received from the Hon'ble Registrar conveying that Sh. B.V.S. Murthy, Member (T) (Rtd.) who is the Inquiry Officer in the disciplinary proceedings against Sh. S.K. Verma, Asst. Registrar has received a mail from the latter informing that he was down with viral fever and hence not able to attend the inquiry proceedings to be held on 24.11.2016. The Inquiry Officer further stated that as the inquiry would not be held on 24.11.2016 the tickets may be cancelled. He further stated that inquiry can be held between 29.11.2016 and 2.12.2016 either at Chandigarh or Delhi.

Meanwhile, Sh. S.K. Verma sent a letter dated 22.11.2016 by fax intimating that he was sick, hence to cancel the tour order and the air tickets. As the cancellation was done at the instance of the charged officer the cancellation fee may be recovered from his salary.

Since the Inquiry Officer has intimated that he was willing to hold the general examination as part of the inquiry proceedings which is not time consuming and he has expressed the date from 29.11.2016 and 2.12.2016 either at Chandigarh or Delhi we may instruct the Charged Officer to be available at Chandigarh and to state the date of his convenience between 29.11.2016 and 2.12.2016.

Submitted for Approval/order, please

D.P. (A)
23/11/16

Hon'ble Registrar

Since he has provided m/c to 29-11-2016 at Chandigarh, we may advise the Inquiry Officer to hold the inquiry between 29/11/2016 and 2/12/2016 at Chandigarh. As per the order on the subject, the Inquiry Officer is to be available at Chandigarh and to state the date of his convenience between 29.11.2016 and 2.12.2016. The Inquiry Officer further stated that as the inquiry would not be held on 24.11.2016 the tickets may be cancelled. He further stated that inquiry can be held between 29.11.2016 and 2.12.2016 either at Chandigarh or Delhi. Meanwhile, Sh. S.K. Verma sent a letter dated 22.11.2016 by fax intimating that he was sick, hence to cancel the tour order and the air tickets. As the cancellation was done at the instance of the charged officer the cancellation fee may be recovered from his salary.

23/11/16

Delhi

23/11

4

Therefore since the matter is pending for a long period and Ministry is also insisting for an early hearing, if approved.

Sh. B. S. V. Murthy over telephone informed that if the enquiry is to be fixed on any date between 29.11.2016 to 02.03.2016, he is willing to conduct the enquiry either at Delhi or at Chandigarh. Only a question of technicality is to be ascertain from the charged official hence the same is pending.

By Cancelling the Air ticket the office has to forgo the cancellation charges. Since the request is as per the letter dated 22.11.2016 of the charged official the cancellation charges be recovered from Sh. S. K. Verma.

In view of the ministry order dated 01.11.2016 Sh. B. S. V. Murthy and Sh. S. K. Verma the charged official was issued tour order to Delhi for the completion of the pending enquiry. Both the officials were provided with Air Ticket as per there request. Sh. S. K. Verma vide letter dated 22.11.2016 informed that he has been advised 3 days bed rest w.e.f. 22.11.2016 by CGHS, Chandigarh. He has further stated that he has already informed the same to Sh. B. S. V. Murthy and intum Sh. B. S. V. Murthy as requested for cancellation of these tickets.

Hon'ble Registrar

DR (Admin)
24/11/16

24/11/16
24/11/16

Submitted for further orders, please.

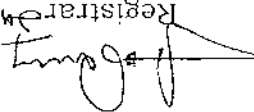
Further air tickets were also cancelled incurring a loss of Rs. 4000/- being cancellation charge. As cancellation was necessitated on the request of Sh. S.K. Verma, Assistant Registrar, we may request him to pay the cancellation charges.

In view of the above we may cancel the Tour Order dated 17.11.2016 in respect of Sh. S.K. Verma, Assistant Registrar, CESTAT, Chandigarh.

As directed a letter has been issued to Sh. S.K. Verma, Assistant Registrar to ascertain his availability between 29.11.2016 and 02.12.2016.

3

- A. The convenience of the charged officer be ascertained for conducting the enquiry at Chandigarh on any day between 29.11.2016 to 02.12.2016.
- B. Recover the cancellation charges of his Air tickets from Sh. S. K. Verma.
- C. Recall/Cancel the tour order dated 17.11.2016 issued to Sh. B. S. V. Murthy & Sh. S. K. Verma.

Registrar


2002/8
 24/11/16

MM
 24/11

Chaitan

As directed, a final letter regarding Tour order (Cancellation) and recovered the Cancellation charges of Air tickets from Sh. S. K. Verma, Air tickets are placed here to for your kind signature please.

24/11/16


DR (Adm)
 24/11/16

2017/8
 24/11/16

~~for bk Register~~
 H.T. Product, vide order dt 24/11/16 in ~~order~~ agreement. Hence ~~order~~ 16/12/16

(6)

24/11/16

24/11/16

(7)

As directed, a fair tour order in Mo. St. Naresk
Kumar, D.R. (Retd.) is placed below for kind
Sign by D.R. (A)

[Signature]
16/12/16

[Signature]
20/12/16
D.R. (A)

A receipt of Tour order in Mo. St. Naresk
Kumar, Deputy Registrar (Retd.) from Bahadragar
Civ. Coll. W.P. of 27.12.16 is 28-12-16
is placed below for kind signature

[Signature]
26/12/16

DR (A) (M)
Is the tour ever been
approved by the 100?
Pl. sign
M
26/12/16

[Signature]

This notified that no prior approval
was sought by G.K. Meena, DDC
When the tour order was put up for
signature.
Substituted please.

Ujjwal Kishore

26/12/16

to 28.12.2016.

Submitted for sanctioning of tour order for Sh. Narech Kumar, ~~etc.~~ Durgam Chattram (cont.) from 27.12.2016

and issue raised tour order on approved tour order dated 16.12.16 of approved we may recall this

to Mumbai. Issue for travelling from Delhi

from Delhi. The tour order was Sh. Narech Kumar called over

irregularity was noted as per for signature of D.R. The above

tour order of Sh. Narech Kumar of the computer authority placed the

Sh. G.K. Meena without getting approval of the computer authority placed the

Mr. Vandana Bhandari, etc, Mumbai in ^{the} ongoing proceedings against purpose of answering the ^{cases} ~~queries~~

was called for as witness for the below Sh. Narech Kumar D.R. (cont)

vide Notice dated 15.12.2016, placed

Submitted to Hon'ble President

29

A Memorandum of Charge Sheet was issued by the former Registrar on 12.8.2009 against Ms. Vandana Bhandar, Head Clerk, CESTAT, Mumbai and placed her under suspension. There are 20 Articles of Charge including misbehaviour, insubordination and reluctance to do the assigned works, discipline etc. As part of the disciplinary proceedings an enquiry was initiated against her and the competent authority vide Order dated 3.11.2009 appointed Sh. V. Shivshankaranathan, Supt. from the office of the CCE Mumbai - IV as the Inquiry Officer as all the other officers from CESTAT Mumbai were witnesses.

The Inquiry Officer conducted the inquiry proceedings by examining all but few witnesses and the Charged Officer was represented by the Defence Assistant Sh. S. D. Pradhan, Advocate.

On 2.12.2010 the former Registrar acting on the instruction of the former President called the details of inquiry proceedings conveying that he wanted to see the proceedings' progress before passing any order. Accordingly the Inquiry Officer forwarded copies of all the documents and intimated that the next hearing date would be fixed on receipt of further direction from the then Registrar.

Vide letter dated 10.1.2013 the Inquiry Officer was requested to complete the inquiry proceedings at the earliest. As there was no progress a letter dated 23.9.2015 was issued to the Deputy Registrar, CESTAT, Mumbai asking to inform the present position of the inquiry proceedings. The Inquiry officer vide letter dated 7.12.2015 informed the HQ that he was suffering from high blood pressure, heart problems, knee problems for the last 3 years and only 3 months to retire and requested to allot the case file to another officer to complete the inquiry proceeding. By letter dated 31.3.2016 the Inquiry Officer Sh. V. Shivshankaranathan returned the Inquiry file to the HQ.

The then HOD, CESTAT vide Order dated 18.5.2016 appointed Sh. Bineesh Kumar K.S., Dy. Registrar as the new Inquiry Officer and directed to complete the inquiry from the stage it was pending. The new Inquiry Officer has completed the inquiry proceedings as far evidences are concerned except the cross examination of Sh. Naresh Kumar, now retired Dy. Registrar. He was chief examined on 28.6.2010 but no cross examination was held. It was agreed by the Charged Officer not to cross examine the witness at Mumbai, instead she would send the Cross Questionnaire to the Inquiry officer for the purpose of answering them. The Questionnaire was sent to Sh. Naresh Kumar who vide letter dated 3.11.2016 requested to inspect original records as the matter is about 10 years old. Sh. Naresh Kumar is settled in Gurgaon and he is summoned to be present on 27.12.2016 and 28.12.2016. Accordingly tour order needs to be issued for these two dates as the witness needs to inspect original case records which are voluminous and old.

Submitted for issuing tour order for Sh. Naresh Kumar, Deputy Registrar (Retired) for attending the inquiry proceedings in the matter of Ms. Vandana Bhandar from Gurgaon to Delhi and back on 27.12.2016 and 28.12.2016.

Registrar
Sh. V. Shivshankaranathan

28.12.16
Hon'ble President

2234/R
28.12.16

Signature
28/12/16

DR (Rtd.)
28/12/16

Kind signature.

As 28-12-16 is placed below form

rest of Dolo and back were 27-11-16

Kumar, DR (Rtd.) from Gujran as

dated 28-12-16 in r/o Sr. Alarshi

Cancelled and a fresh form order

Your order dated 10-12-2016 has been

Submitted to the Hon'ble President

With reference to our letter No 26(26)/CESTAT/SKV-AR/DISP/Admn,2012 dated 29.12.2016 a fax email dated 29.12.2016 is received from Sh. B.S.V Murthy, Member (T)(retd). Wherein he mention his tour programme to attend disciplinary proceedings against Sh. S.K Verma, Assistant Registrar, CESTAT Chandigarh is as under:-

Date of arrival from Bangalore to New Delhi is 26.01.2017

Date of departure from New Delhi to Bangalore is 28.01.2017

Keeping in view of the above, we may issue a tour order in r/o Sh. B.S.V Murthy, Member (T)(retd) w.e.f. 26.01.2017 to 28.01.2017 from Bangalore to New Delhi and back.

Submitted for approval/further orders please.

D.R. (Admn.)
WM
30/12/16

Hon'ble Registrar/H.O.O.

The Member with LR 28.12.2016, has departed
16. Murthy / Murthy. Nanded by S. S.K. Verma
with his bill dt 29.12.2016. Further details
as complete 16. Murthy. Items of approval
a tour order to S. B.S.V. Murthy (Member)
16. Murthy Murthy to visit Chandigarh via Delhi from
26.1.2017 to 28.1.2017. He would be back in
Bangalore to S.K. Verma and he has given a
cost for the above mentioned S. B.S.V. Murthy
that Murthy must come to an end.

30/12/16

30/12/16
16. Murthy

Submitted to the Hon'ble President

With reference to letter No 26(26)/CESTAT/SKV-AR/DISP/Admn.2012 dated 29.12.2016. A tour programme in r/o Sh. Bineesh Kumar K.S, Deputy Registrar, CESTAT New Delhi on 27.01.2017 from New Delhi to Chandigarh and back to attend disciplinary proceedings against Sh. S.K Verma, Assistant Registrar, CESTAT Chandigarh is placed for approval. Sh. Bineesh Kumar is the presenting officer in the enquiry proceeding.

Keeping in view of the above, if approve, we may issue a tour order in r/o Sh. Bineesh Kumar K.S, Deputy Registrar for 27.01.2017 New Delhi to Chandigarh and back.

Submitted for approval/further orders please.

Shyam
30/12/16

D.R. (Admn.)
UM
30/12/16

Hon'ble Registrar/H.O.O.

Since, he is the presenting officer in the enquiry, in view of standing L.O. dt. 28.12.2016, A tour order is approved in

Shyam
30/12/16

Shyam
30/12/16

Shyam
30/12/16

Four tour orders are placed below for kind sign by

D.R. (A)

Shyam
3/1/17

D.R. (A)

2248/E
30/12/16

3/1/17

(12)

43

Submitted to Hon'ble President

Hon'ble Shri V. Padmanabhan, Member (T) will be on tour to CESTAT Bangalore for sitting in Division Bench during the period from 30.1.2017 to 10.2.2017. Hon'ble Shri S.S. Garg, Member (J), CESTAT Bangalore has telephonically requested the Registrar that due to shortage of Stenos at Bangalore, a steno may be sent on tour to Bangalore during the aforementioned period.

Shri N. Raja, Sr.P.S., posted at CESTAT Hyderabad has forwarded his willingness dated 25.1.2017 to attend the duty at CESTAT Bangalore from 30.1.2017 to 10.2.2017 and undertaken that he will not claim any TA/DA for the same. Registrar, CESTAT has also spoken to Hon'ble Ms. Sulekha Beevi C.S., Member (J) at CESTAT Hyderabad and Hon'ble Member does not have any objection for the tour of Shri N. Raja, SPS to Bangalore.

In view of the above, since there is a requirement of Steno at CESTAT Bangalore and Shri N. Raja, SPS is willing to go on tour to Bangalore without claiming any TA/ DA, if approved, tour order may be issued in respect of Shri N. Raja, SPS from CESTAT Hyderabad to CESTAT Bangalore w.e.f. 30.1.2017 to 10.02.2017.

Submitted for approval/ further orders please.

Deputy Registrar (J)

27/1/17

(on leave)
Registrar

Hon'ble President

27/1/17

27/1/17
EJW

DR(S)
27/1/17

for sig. pr.

Four four order in place below

Get approval of Hamble President on page

(14)

(15)

Hon'ble President will be on tour to CESTAT, Hyderabad w.e.f. 20.02.2017 to 23.02.2017. As there is a shortage of Stenographic staff to attend to the work of the Hon'ble President.

If approved, tour order in respect of Shri G. Sridhar, Sr PS from CESTAT, Chennai to CESTAT, Hyderabad for the period 19/02/2017 to 25/02/2017 may be issued.

Submitted for approval please.

14/2/17
15/02/17

21

(16)

PUC is letter dated 20.02.2017 from Sh. S.K. Verma, in respect of the hearing of 02 matters before the CIC on Chandigarh to New Delhi from 27.02.2017 to 29.02.2017(01.03.2017).
The CIC has extended the facility of video conferencing for the officer and no reason has been stated by Officer why he should appear in person. The facility of video conferencing is extended to all out station Officers/CPIOs by the CIC.
In view of above the file is submitted for order rejecting the request of Sh. S.K. Verma.

A-6

DR(A)
21/2/17

Horrible Reason
Some CIC has indicated in letter of 9
Some CIC has indicated in letter of 9
Video Conferencing though which, he can do
answered the queries, A may be approved to

21/2/17
A-6

14/2/17

(17)

Ref Order if Member President on postage by fax
Order informing the S.A.K. re:ma
AR for rejection & have for change/yes
to Order in place for approval/sg.H.

~~2/12/17~~

Dec (Admin)

AM 21/11/17

Utah's Registration

18

PUC is letter dated 20.02.2017 from Sh. S.K. Verma, in respect of the hearing of 02 matters before the CIC on 28.02.2017 with request to issue tour order from Chandigarh to New Delhi from 27.02.2017 to 29.02.2017(01.03.2017).

The CIC has extended the facility of video conferencing for the officer and no reason has been stated by Officer why he should appear in person. The facility of video conferencing is extended to all out station Officers/CPIOs by the CIC.

In view of above the file is submitted for order rejecting the request of Sh. S.K. Verma.

DR(A)
21/2/17

It is to be noted that
 Some CIC has indicated it is possible to
 Video Conferencing. I think it is possible, he can do
 answer the queries. A may be assigned to

As per
 21/2/17
 14.02.2017

21/2/17
 21/2/17

During the tour period of Hon'ble Shri M. V. Ravindran, Member (Judicial) to CESTAT, Delhi from CESTAT, Mumbai, a stenographer is required. There is acute shortage of staff at CESTAT, Delhi.

As per verbal discussions of Registrar with Senior Member at Ahmedabad and Shri S.C. Dass, Sr PS, in respect of tour of Shri S.C. Dass, SrPS to CESTAT, Delhi w.e.f. 27.02.2017 to 03.03.2017. He is ready to come. As the arrangement is done on his request he will not claim any TA/DA to attend to Hon'ble Shri M. V. Ravindran, Member (Judicial).

Submitted please.

22/2/17
MVA

DR (MVA)
22/2/17

Hon'ble Registrar
 Disputed with H.C. Pandey and also
 Dr. S.C. Dasgupta is agreed to attend
 Delhi. Pandey will not TA/DA.
 Hence, you are the user's account

22/2
D

20/2/17

Ref note above
 A copy is placed below for

22/2/17
 22/2/17
 22/2/17

A tour order dated 22.02.2017 was issued in r/o Sh. S.C Das, Sr. P.S, CESTAT Ahmedabad w.e.f 26.02.2017 to 04.03.2017.

In this connection Sh. S.C Das (on tour) has submitted an application dated 02.03.2017 wherein he stated that he is constrained to travel by flight from Ahmedabad to Delhi because of non-availability of train tickets from Railway for 26.02.2017. Therefore he requested the fares for both to & fro may be restricted to the fares of AC-III Tier of Swarna Jayanti Rajdhani express without claiming DA thereof.

In view of above file is placed before Hon'ble Registrar for further necessary orders please.

[Signature]
21/3/2017

Hon'ble Registrar

DR(Admn)
21/3/17

Dr. S.C Das is already on tour

crk dt. 29.2.2017. In view of the request

for leave from 26.2.2017 to AC-III tier of

Pay. Allow. expense is just and reasonable as he is

he is eligible to know by him. More over he is

not claiming any DA for the leave period. It

considering it is agreed at the meeting of

from all members by S.C. Das in the meeting of

21/3

[Signature]
21/3/17

(S) / Mandat

A page order is placed below

for kind signature

[Signature]
21/3/2017

DR(Admn)
21/3/17

425/17
3.3.17

20

(2)

Submitted to Hon'ble Registrar/H.O.O.
PUC - Dy. No. 641 dated 06.03.17

Sh. Sunil Kumar, Technical Officer has submitted application dated 03.03.17 wherein he has requested for issue a tour order to appear as prosecution witness before Chief Commissioner of Customs at Chennai on 07.03.17, in terms of letter dated 02.03.17.

In this regard, he has enclosed the copy of letter dated 02.03.17 issued from O/o The Chief Commissioner of Customs, Chennai.

In view of above, if approved, we may issue a Tour Order (ex-post facto) in r/o Sh. Sunil Kumar, Technical Officer from Delhi to Chennai & back on 07.03.17 for the same.

File is submitted before Competent Authority for kind approval (ex-post facto)/appropriate orders please

Submitted please.

It is for Registrar hon already
system that he is now entitled
for - town
D.R. (Admn.)
15/3/17

Messrs

10/3/17

Hon'ble Registrar/H.O.O.

Submitted to the Hon'ble Registrar

PUC - Dy. No. 761 dated 21.03.17

PUC - a letter dated 14.03.17 received from CESTAT,

Hyderabad wherein it is stated that vide Tour Order No. 29 of 2017 dated 03.03.17 of CESTAT, HQ, Division Bench has been constituted for two weeks from 17.04.17 to 28.04.17 comprising of Hon'ble Member (Judicial) and Hon'ble Member (Technical). It is proposed to dispose of maximum number of cases, which would be listed during the above period (Two weeks). Therefore and as directed by Hon'ble Member (Judicial), it is requested to depute one Senior Private Secretary on tour to this Bench during 17.04.17 to 28.04.17.

In view of above, as directed, a tour order in r/o Sh. G. Sridhar, SPS, CESTAT, Chennai w.e.f. 16.04.17 to 29.04.17 from CESTAT, Chennai to CESTAT Hyderabad and back, to attend the Court work at Hyderabad Bench is placed below for kind approval by the Hon'ble Registrar/H.O.O. & signed by the Deputy Registrar (Admn.)

Submitted please

[Signature]
22/3/17

Hon'ble Registrar/H.O.O.

D.R. (Admn.)
22/3/17

Done. Thank. (7) for Chennai to Mr. Kanna AS
Hyderabad-14. SPS attached for 16 Members
the above condition to Hyderabad B.O. for two weeks
17 - every day for approval by

[Signature]
22/3/17

[Signature]
22/3/17

22

113/Admn
22/3

PUC Dy. No. 880 dt 10.4.17

(23)

PUC is the undertaking received from Sh. N. Raja, SPS,

CESTAT Hyderabad stating that he will not claim any TA/DA in the event of his tour to Bangalore from CESTAT, Hyderabad w.e.f. 24.04.2017 to 05.05.2017. There will be only one Single Member Bench at CESTAT, Hyderabad.

During the period Hon'ble Shri V. Padmanabhan, Member, (Technical) will be on tour to CESTAT, Bangalore from CESTAT, Delhi. A stenographer is required. There is shortage of Steno at CESTAT, Bangalore.

If approved, tour order in respect of Shri N. Raja, SPS from CESTAT, Hyderabad to CESTAT, Bangalore for the period 24.04.2017 to 05.05.2017 may be issued. As the arrangement is done on his request he will not claim any TA/DA to attend to Hon'ble Shri V. Padmanabhan, Member (Technical).

Submitted please.

10/4/17

DR (Adm.) on leave

Hon'ble Registrar
During the period there is shortage of Steno at Hyderabad and since the request for assignment is done to go on tour with great TA & DA, 15% bonus for ground job.

10/4/17

10/4/17

H. S. Jeyaraj

(26)

A tour order dated 27.03.2017 was issued to Sh. G. Sridhar, SPS, CESTAT, Chennai w.e.f 16.04.2017 to 29.04.2017 from CESTAT, Chennai to CESTAT Hyderabad and Back, to attend the court work at Hyderabad bench.

Now, tour order in r/o Hon'ble Member Sh. M.M Damodhar, M(T) has been cancelled.

Therefore, in view of above, if approve, we may cancel the above said tour order.

File is submitted before Competent Authority for further orders please.

Agree
13/4/2012

DR (Admn)
13/4/12

Hon'ble Registrar

Since this is no DR during the period due to the cancellation of tour work, if approved, it can be cancelled.

13/4

(S)
13/4/12

13/4/12

A cancellation order regarding tour in r/o Sh. G. Sridhar, SPS is placed before for Rtd Signature

Agree
13/4/12

DR (Admn)

Accounts Section, CESTAT, New Delhi.

Sub: Users Mobilization & roll out of Employees Information System (EIS)/GPF module in the 48 Ministries/Controller during April, May and June 2017.

Ministry of Finance, Deptt. Of Expenditure O/o the Controller General of Accounts (PFMS Project office) vide OM dated 21-4-2017, has organised training for DDOs so as to apprise them about EIS/GPF functions and its development, during the period 24-4-2017 to 28-04-2017 (copy enclosed).

The above OM was received on 24-04-2017 at 1700 hrs. From O/o the PAO by hand. The matter was discussed the Registrar on 24-4-2017 at 1740 hrs and obtain oral permission for attending the training programme on 25-4-2017 at SBILC Noida.

It is stated that the undersigned has attended the training programme on 25-4-2017 from 930 to 1800 hrs. at the above centre. Kindly issue necessary order in this respect.

Indu
(Rajendra Pr)

~~Signature~~

Ref issue order dated 25/4/2017
to be issued to [unclear]
Program so [unclear] on
25/4/2017

26/4

26/4

Mohit

26/4

(25)

As directed, a tour order in r/o Sh. Manoj Kumar, MTS, CESTAT, Delhi w.e.f. 21.04.17 to 22.04.17 from CESTAT, Delhi to CESTAT Chandigarh Bench and back, to delivery of the documents related the O.A. No. 060/00320/2017 filed by Sh. S.K. Verma vs. Ors. is placed below for kind approval by the Hon'ble Registrar/H.O.O. & signed by the Deputy Registrar (Admn.)

Submitted please

As the O.A. is posted before the CAT at Chandigarh on 25.4.2017. It is not feasible to send the copy and the documents by post. D.R. (Admn.) since we want duplicate Sh. Manoj Kumar, MTS to get the Hon'ble Registrar/H.O.O. stamp in the

of Rs. 4. Embarkment for approval, please

~~Amble Register~~

The proposed approval

20/4/17

Done

762/R
20/4/17

20/4/17

As directed a order in s/o Shri Rajender
Prasad, Accounts officer to attend the training programme
on EIS/APP on 25.04.2017 at State Bank Learning
Centre, Block-B, B-16, Tinkulmoh Area, Sector-62,
Atrida (U.P.) is prepared and put up for signature
Please

22/04/17

SRM

Mobile Register

D.R.(A)
27/4/17

88

Placed below is a letter dated 25.4.2017 received from Sh. Sunil Kumar, Technical Officer with request to issue tour order for his having attended the appeal proceedings before the Appellate authority in the disciplinary proceeding against him i.e. Chief Commissioner of Customs, Chennai Zone at Custom House, Chennai on 7.3.2017. In this respect the officer has placed a copy of the letter received from the office of the appellate authority along with his request letter dated 3.3.2017 for issuing tour order to Chennai.

In this respect the Hon'ble Registrar vide instruction dated 26.4.2017 directed the DR (A) to examine and report.

It is submitted that the SR 154 deals with travelling allowance applicable to Govt. servant in a departmental inquiry among other things. It says that he can draw travelling allowance as for a journey on tour attaching to his bill a certificate of attendance given by the court or other authority which summoned him. The conditions are that he may not accept any payment of his expense from the court/authority and if any payment is deposited the travelling and subsistence allowance shall be credited to Government.

G.I. M.F., O.M. No. F.5 (30)-E.IV (B)/67 dated 28.11.1967 says about the admissibility of travelling allowance to a Govt. servant against whom an oral inquiry is held under the CCS (CCA) Rules and who is required to proceed from one station to another to appear before an officer conducting the inquiry and it has been decided that in such cases the Govt. servant concerned may be allowed TA as on tour under SR 154. No TA will be admissible to the charged person if the enquiry is held at a place other than his head quarters expressly at his own request.

The above provisions do not speak about appeal proceedings. Appeal proceedings take place in a different context as there is already a finding against the charged officer and the appeal proceedings are initiated by the charged officer at his will. The officer has produced the decision of the Assam High Court in *Bidanoth vs. State of Assam*, AIR 1959 Assam 112 in which it was held that proceedings before an appellate authority are a continuation of the proceedings before the inquiry officer and both these proceedings taken together point to the conclusion. But, there is no provision of personal hearing while considering the appeal under Rule 27 of the CCS (CCA) Rules by the Appellate Authority. But, however, as a matter of fact, the personal hearing in this case was granted by the Appellate Authority by itself and not at the request of the Charged Officer. This is a peculiar situation when there is no personal hearing provided in an appellate proceedings under Rule 27, but the appellate authority on its own motion granted personal hearing to the appellant – charged officer whether he can claim TA/DA as in the case of inquiry proceedings. The case in point is that had the notice not been issued to the officer he would not have to attend the hearing. The charged officer was left with no choice but to attend the hearing to contest his case. Besides, appeal proceeding is the statutory right of the charged officer and affording fair opportunity to defend his case is the basic principle of natural justice.

In view of the above the file is submitted for appropriate orders, please.

MM
17/11/17
D.R.(A)

Hon'ble Registrar

Submitted to Hon'ble President:

Sh. Sunil Kumar, Technical Officer attended appeal before the Chief Commissioner of Customs for a personal hearing on 07.03.2017 in a Disciplinary proceeding matter. The appeal was preferred by the officer concerned. Since appeal proceedings are in continuation of Disciplinary proceedings and under SR154 read with O.M. No. F.5 (30)-E.IV (B)/67 dt 28.11.1967 he claimed TA/DA as admissible for attending the hearing. As appeal was preferred by the charged official and since the appeal proceedings is in continuation of the Disciplinary proceedings, ex-post facto approval may be accorded for official tour to Chennai to attend Disciplinary Proceedings.

Submitted for approval please.

Hon'ble President

(Signature)
8/5/17

Registrar 5/5/17

(Signature)

8.5.17
8.5.17

(29)

M/8m
DR(A)

for
1/10

~~for~~

21.5.12
2/268

for
08/5/12

As directed a order in Mo Sh. Smt
Kumar, to from Delhi to Chennai and
back to Delhi. Having appeared in
disciplinory proceedings in fiscal head
for your kind signature please.

(30)

PUC is a request letter received from Sh. Bineesh Kumar K.S. Deputy Registrar, CESTAT, New Delhi who was appointed in the matter of Ms. Vandana Bhandar, Head Clerk, CESTAT, Mumbai. It is stated that Sh. T. Viswa Prakash, now Deputy Registrar, CEST, Mumbai is the main witness and that he was only examined in chief, not cross examined. For the purpose of giving fair opportunity to the Charged Officer to defend the case and for appreciation of evidence. The CO may be given opportunity to cross examine the witness. It is further stated that the general questioning of CO under Rule 14(18) CCS (CCA) Rule in respect of the Charged Officer was also not done.

The witness, the charged officer and the Presenting Officer are working CESTAT, Mumbai he has requested that the inquiry proceedings may be held at CESTAT, Mumbai on 18.05.17 to 19.05.17.

In view of the above, if approved, we may issue a Tour Order in respect of Sh. Bineesh Kumar K.S, Deputy Registrar from Delhi to Mumbai and back from 18.05.17 to 19.05.17.

File is submitted before Hon'ble President, CESTAT for kind approval/further orders please.

Submitted please.

09/05/17

Hon'ble Registrar (on leave)

DR (Admn)
18/5/17

Hon'ble President
18/5/17

A Four Tour order in the name of Sr. Binash

Kumar B.S Deputy Registrar

is placed below for kind

Signature.

Binash
12/5/2012

(DR Binash)

PUC is the undertaking received from Sh. N. Raja, SPS, CESTAT Hyderabad stating that he will not claim any TADA in the event of his tour to Bangalore from CESTAT, Hyderabad w.e.f. 22.05.2017 to 26.05.2017 to attend official duties.

If approved, tour order in respect of Shri N. Raja, SPS from CESTAT, Hyderabad to CESTAT, Bangalore for the period 22.05.2017 to 26.05.2017 may be issued. As the arrangement is done on his request he will not claim any TADA to attend to official duties.

Submitted please.

19/5/17

Hon'ble Registrar

It is noted that S S Gray on telephone

conference held at Bangalore on 11.5.2017

has been informed by Mr. Neela Kaseby, Member

of PUC that the said company is not

deposed of Approval etc. It is requested that

the said company may be permitted to

attend the Bangalore tour on 22.5.2017 to 26.5.2017

19/5/17

19/5/17

11.5.2017

19/5/17

Submitted to the Hon'ble President

In O. A. No. 060/00320/2017 filed by Shri S. K. Verma, Asstt. Registrar before CAT, Chandigarh is listed for final hearing on 04-07-2017.

As certain documents are to be filed before the CAT and to have discussion with the Addl. Solicitor General Shri Satyapal Jain an appointment has been fixed on 30-06-2017.

In view of the above, Shri Bineesh Kumar K. S., Deputy Registrar may be asked to meet the Additional Solicitor General on 30-06-2017 for discussion.

Hence, Tour for 30-6-2017 to visit CESTAT, Chandigarh from CESTAT, New Delhi in respect of Shri Bineesh Kumar, DR(Admn.) may please be approved.

Submitted for approval/orders please.

22/6/17



Hon. President

DR(Admn.)
22/6/17

For tour order is placed below the signature of the

22/6/17

DR(Admn.)
22/6/17

(34)

Submitted to the Hon'ble President

In continuation of the earlier note on pre page, it is submitted that the Addl. Solicitor General Shri Sayapal Jain, Chandigarh has modified that the date of his appointment i.e. 28-06-2017 instead of 30-06-2017.

In view of the above, tour for 28-6-2017 to visit CESTAT, Chandigarh and back from CESTAT, New Delhi in respect of Shri Binesh Kumar, DR(Admn.) may please be approved.

Submitted for approval/orders please.

DR(Admn.)

The tour order issued on 22.6.17 for the date 30.6.2017 may kindly be cancelled. A new tour order for 28.6.2017 may kindly be approved.

Submitted for kind order, please.

23/6/17
UM

23/6/17

RS Prasad

~~Item. President.~~

A tour order is placed below for

Signature Mrs

23/6/17

23/6/17

23/6/17
UM
DRCA

11-7-17

20-7-17

19/7

Hon'ble Registrar
16 SM Com. Division of
Bangalore for 16
during that period and it appears to
of the Registrar with out TA/DA
St. Raja is sent on tour to Bangalore on
from with out TA/DA

19/7/17

Submitted please.

official duties.

done on his request he will not claim any TA/DA to attend the
24/07/2017 to 04/08/2017 may be issued. As the arrangement is
CESTAT, Hyderabad to CESTAT, Bangalore for the period from
If approved, tour order in respect of Sh. N. Raja, SPS from
A stenographer is required. There is shortage of Steno at Bangalore.
will be on tour to CESTAT, Bangalore from CESTAT, Hyderabad.
During the period Hon'ble Shri M.V. Ravindran, Member (J)

attend official duties.

official tour from 24/07/2017 to 04/08/2017 without TA/DA to
PS, CESTAT, Hyderabad to depute him to CESTAT, Bangalore on
Ravindran, Member (J) forwarding request letter of Sh. N. Raja, Sr
PUC is the letter received from Hon'ble Shri M.V.

PUC Dy. No. 1790 dated 19.07.2017

(36)

set appeared in page

four four ends in place

below for 44-11

20/1/17

DR (M.A.)

#

WM 20/1/17

~~Hon. Registrar~~
P
20/1/17

2/17
①

DR (Admin.)
21/2/17

2/7/17
PR

Ref. approved on page, fair
order is placed below for
Reg. pr.

Ref. approval on page.

②

PUC Dy. No. 1918 dated 03.08.2017

PUC is the request received from AR, CESTAT, Bangalore stating that he has been directed by Hon'ble Member (J) to extend the tour order of Sh. N. Raja, SPS of CESTAT, Hyderabad who is presently on tour to CESTAT, Bangalore w.e.f. 07.08.2017 to 11.08.2017.

As per order dated 20.07.2017, Sh. N. Raja, SPS is on tour to CESTAT, Hyderabad w.e.f. 24.07.2017 to 04.08.2017.

In view of above, if approved tour order in respect of Sh. N. Raja, SPS from CESTAT, Hyderabad to CESTAT Bangalore may be extended for the period from 05.08.2017 to 11.08.2017 to attend the official duties.

3/8/17

D R (Adm.)

3/8/17

Item. Registrar

Item is placed for approval for extension of tour order to attend the duties of Sh. N. Raja, SPS from 05.08.2017 to 11.08.2017. It is requested that the tour order may be extended as above with effect from 05.08.2017.

3/8/17

3/8/17

3/8/17

As per approval of Hon'ble Registrar, four tour order is placed below for approval. Sd/-

3/8/17

3/8/17

40

Submitted to Hon'ble President

As Hon'ble President and Hon'ble Sh. V. Padmanabham, M(T) will be on official tour to CESTAT, Kolkata w.e.f. 21.08.2017 to 01.09.2017. There will be one DB and one SM Bench functioning

Since, it will be difficult to cope up with the work of the Bench. If approved tour order in respect of Sh. J. K. Golay, SPS from CESTAT, Delhi to CESTAT Kolkata for the period from 20/08/2017 to 02/09/2017 may be issued to attend the official duties.

Shan
21/8/17

D R (Adm.)

21/8/17

Shri. Raghavan

To attend the court while during the tour period of Hon'ble President to Kolkata by arrangement of Dr. Karthikeyan & SPS in hand on tour for 20/8/17 to 2-9-2017 N. Raghavan
21/8/17

Shan
3/8

2325/R
4/8/17

(+/-) Raghavan

As per approved, for tour order is placed below for sig. m.

Shan
4/8/17

Hon'ble Raghavan
21/8

Submitted to Hon'ble President

As Hon'ble Shri Ashok Jindal, Member (Judicial) will be on official tour to CESTAT, Allahabad w.e.f. 04.09.2017 to 15.09.2017. There will be one DB and one SM Bench functioning

Since, it will be difficult to cope up with the work of the Bench. If approved tour order in respect of Sh. Pramod Kumar, Steno Gr. II from CESTAT, Delhi to CESTAT Allahabad for the period from 03.09.2017 to 16.09.2017 may be issued to attend the official duties.

4/8/17
[Signature]

DRCadm.
4/8/17

Hon. Registrar

Some Allahabad Bench is facing acute shortage of clerks and every kind of allotment to assist in handling matters in it has to be dispense most of cases. If approved, it has to be attend to Sr. Promoted PA to attend on leave from 4.9.2017 to 15.9.2017 the Allahabad. For approval

4/8/17
[Signature]

237712
4/8/17
[Signature]

4/8/17
[Signature]

As per approval of Hon'ble President,
a fair tour card is placed below
for ~~app~~ sig. pt

~~PA~~
4/8/13

DR (Adm.)
4/8/13

Hon. Registrar
S
Rach

(43)

In the matter of Ms. Om Shiv Transport Vs. UOI & ors in the case Writ Tax No. 354 of 2015 and to hold a joint meeting for concrete decision in the matter is taken and is communicated to the Court on affidavit will be held at High Court Allahabad on 20.09.2017.

In this connection, vide letter dated 04.09.2017, Sh. A. Mohan Kumar, Registrar is directed to attend this court on 20.09.17 in this matter.

Keeping in view of the above, if approved, we may issue a tour order in r/o Sh. A. Mohan Kumar, Registrar CESTAT, Delhi w.e.f. 19.09.17 to 21.09.17 from Delhi to Allahabad and back.

Submitted for approval/further orders please.

D.R. (Admn.)

M. 6/9/17

A. Mohan Kumar

(Signature)
7/9/17

Hon'ble President

(Signature)
06/09/17

To attend Court Proceedings on
H.O.O.

A. Mohan Kumar

(Signature)
07/09/17

A fair tour order is placed below for kind

Sgn. by D.R. (H)

(Signature)
07/09/17

M. 7/9/17
D.R. (H)

2565/R
07/09/2017

Submitted to the Hon'ble President

(44)

F. No.12-75/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: 12-75/2017

Subject: Information sought under RTI Act, 2005.

Sir/Madam,

Please refer to RTI application No. 10501/2017 dated 23.08.2017 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.

(G) As replied by the Registrar vide his reply letter dated 08.09.2017 that "Tour of Staff of CESTAT is dealt in Admn. Section. CPIO may obtain the relevant information from DR (Admn.)"

So, you are requested to provide the information within **05 days**.

Encl: As above.

V. P. Pandey
11.9.17

Central Public Information Officer

To:

1. DR (Admin)

Copy to:

1. Sh. R.K. Jain

1512-B, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003

11 SEP 2017

Shri/Smt. R.K. Jain
11/9/17

1/1

17 SEP 2017

Regenerative info. been
of staff info may be
provided on receipt for
Admission fee. (DR-A).
copy of CPIO's letter enclosed
in return of Resp. Requester's
enquiry on para-17.

o/c

Central Public Information Officer

(V.P. Pandey)

11-9-17

Delhi.

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

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

You are, Therefore, requested to please acknowledge the receipt and deposit Rs. 1244/- (@ 2/- per page) to this Tribunal by cash or DD in favour of Accounts Officer, CESTAT, New Delhi.

Please refer to your RTI application No. 10501/17. Dated 23/8/17 and our ID No. 12-75/17 the information received from ~~18 to the Requester~~ containing ~~622 pages~~ is enclosed herewith for your reference please.

Sir/Madam,

Subject: Information under Right to Information Act 2005.

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

To,

F. No. 12-75 / CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated. 11/9/17
ID No. 12-75/17

Dated: 08.09.2017
CP10 I.D. No. 12-75/2017

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

With reference to the RTI application no. RTI/P-195/10501/17 dated 23.8.2017 filed by Shri R.K. Jain in CP10 I.D. No. 12-75/2017, I am directed to inform you that the relevant information pertaining to Registrar office is as under:

(A) The correspondence pages till 273 and notesheet pages till 74 in Judl. File 01(02)R/Judl./CESTAT/2017 has already been forwarded to the applicant in RTI application no. RTI/P-195/10443/17 dated 11.5.2017 in CP10 I.D. No. 12-48/2017 vide letter dated 31.05.2017.

The copies of the correspondence pages from 274 to 496 and notesheet pages from 75 to 119 containing **268 pages** is enclosed herewith.

(B) The correspondence pages of F.No.01(03)/LB/CESTAT/2017 till page no. 227 and note sheet till page no. 8 has already been forwarded to the applicant in RTI application no. RTI/P-195/10443/17 dated 11.5.2017 in CP10 I.D. No. 12-48/2017 vide letter dated 31.05.2017.

The copies of the correspondence pages from 228 to 300 and notesheet pages from 9 to 11 containing **76 pages** are enclosed herewith.

(C) The notesheet pages of roster file 2017 till page no. 106 has already been forwarded to the applicant in CP10 I.D. No. 12-50/2017.

The copies of the notesheet pages from 107 to 170 containing **64 pages** is enclosed herewith.

(D) The correspondence pages of F.No. 01(06)/DOO/CESTAT/Reg/2017 till page no. 82 and notesheet till page no. 5 has already been forwarded to the applicant in RTI application no. RTI/P-195/10443/17 dated 11.5.2017 in CP10 I.D. No. 12-48/2017 vide letter dated 31.05.2017.

The copies of the correspondence pages from 82 to 163 and notesheet pages from 6 to 10 containing **87 pages** is enclosed herewith.

01/9/17

(E) The copies of the correspondence pages of Circular File from 1 to 78 and notesheet pages from 1 to 8 containing **86 pages** is enclosed herewith.

(F) From 1.2.2017 to till date no notification has been issued from the O/o Registrar.

(G) The tour of CESTAT Members for 2016 was dealt from F.No.1(04)/Tour/CESTAT/2016 and for 2017 is dealt from F.No. 01(04)/Tour/CESTAT/2017.

Copies of the notesheet pages of F.No. 1(04)/Tour/CESTAT/2016 from 1.11.2016 containing **08 pages** and F.No. 01(04)/Tour/CESTAT/2017 containing **33 pages** are enclosed herewith.

Tour of Staff of CESTAT is dealt in Admn. Section. CPJO may obtain the relevant information from DR (Admn.).

Encl : as above
Total pages = 622

8/9/17
[Signature]
P.A. to Registrar

To
CPJO, CESTAT, New Delhi

F. No. 12-75 / CESTAT/CPIO-ND/VFP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated:- 24/8/17
ID No. 12-75/17

Subject: Information sought under RTI Act, 2005.

Sir,

Please refer to RTI application No. 10503/17 dated 23/8/17 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. 10503/17 dated 23/8/17 CPIO ID No. 12-75/17 is forwarded herewith to the you as deemed CPIO with the request to provide the correct and para wise information/inspection on or before 08/09/17 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 form there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.

Encl: As above.

(V.P. Pandey)
Central Public Information Officer

Copy to:

1. OA to Lt. Registrar
2. _____
3. _____
4. Shri R. K. Jain, 1512-B, Bhishma Pitamaha Marg, Wazir Nagar, New Delhi-110003

Am. of supply perwise.

25/8/17

12/08/2017

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

2993/CR/2017
23/08/2017

Ref. No.: RTI/P-195/10501/17
Dated : 23-08-17


To

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

Customs Excise & Service Tax
Appellate Tribunal
23/8
23/8

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide the copies of the notesheets from page 23 till end, and correspondence pages from page 61 till end of the Judicial File 2017. (B) Please provide the copies of the notesheets from page 2 till end, and correspondence pages from page 50 till end of the Larger Bench file 2017. (C) Please provide the copies of the notesheets from page 26 till end of the Roster file 2017. (D) Please provide the copies of all notesheets pages and correspondence pages of the Difference of Opinion file 2017 (E) Please provide the copies of all notesheets and correspondence pages of the file from which the circulars has been issued from 1-2-2017 till the date of providing the information. (F) Please provide the copies of all notesheets and correspondence pages of the file from which the notifications has been issued from 1-2-2017 till the date of providing the information.

	<p>(G) Please provide the file Nos. in which the tour of the CESTAT members and staffs are ordered and dealt with during the year 2016 & 2017. Please also provide copies of all the notesheets of said files from 1-11-2016 till the date of providing the information.</p> <p>Note (1) : The above information is also held by the Registrar CESTAT therefore this application may also be forwarded to the Registrar CESTAT.</p> <p>(2) 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 220108 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