

Recd  
25/07/18

**FIRST APPELLATE AUTHORITY  
UNDER RIGHT TO INFORMATION ACT, 2005  
CUSTOMS, EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL  
WEST BLOCK-2 R.K. PURAM, NEW DELHI-110066**

**Date of decision: 17.05.2018**

**Appeal No. Appeal No.11-83(A)/2016  
CPIO, ID No. 11-123/2016**

Sh. R.K. Jain

Appellant- Present

Vs.

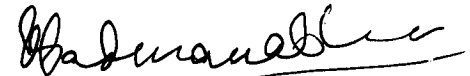
Sh. V.P. Pandey, Asst. Registrar/CPIO

Respondent- Present

**ORDER 11/2018**

Hard both sides and perused the record and after perusal of record it is found that in this matter as whatever was available on record has already been provided to the appellant.

No further order is required



(V. Padmanabhan)

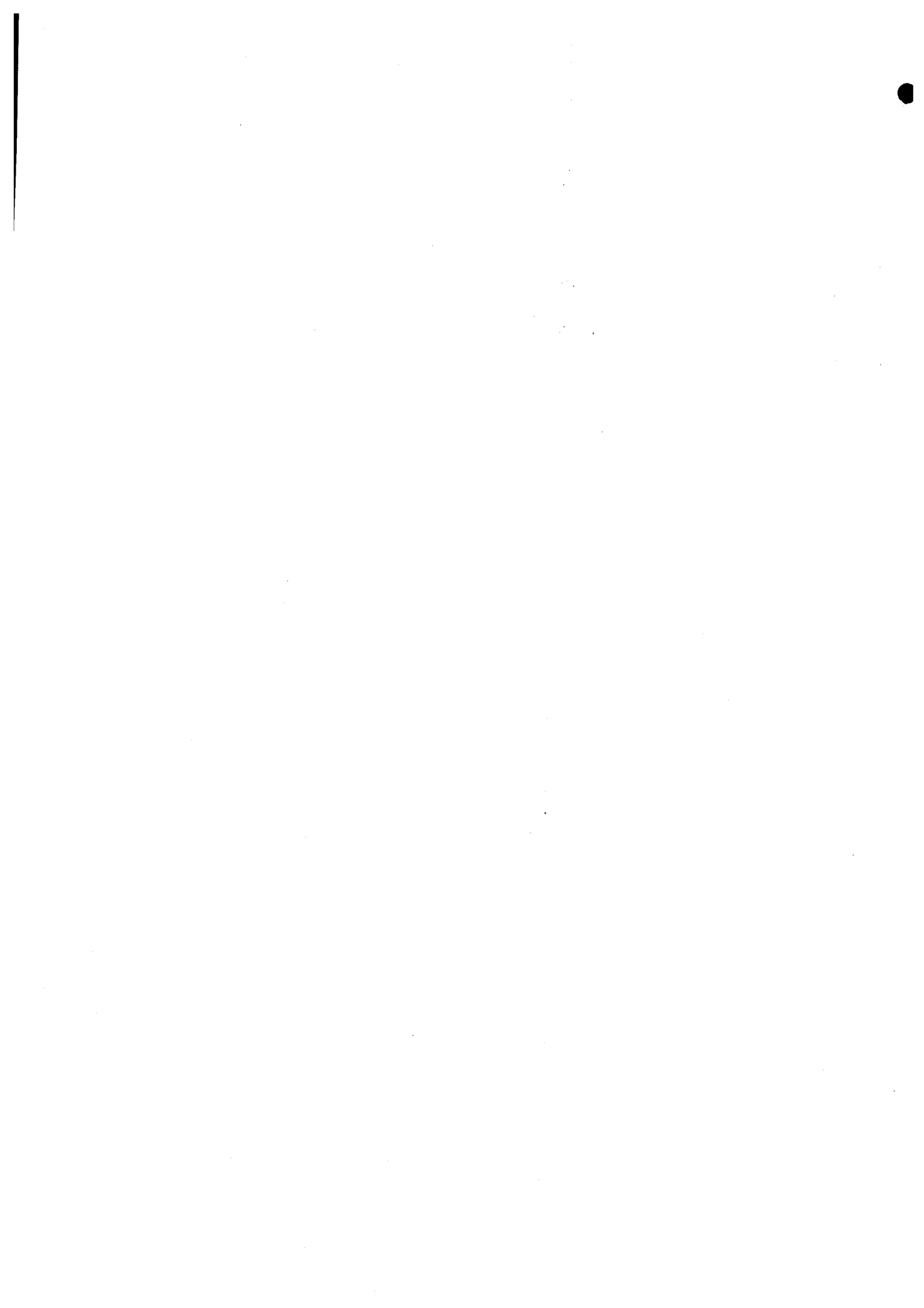
First Appellate Authority

(RTI)

Member (T)

CESTAT, New Delhi

1. Sh. R.K. Jain  
1512-B, Bhishm Pitamah Marg,  
Wazir Nagar, New Delhi-110003
2. Shri V. P. Pandey, CPIO, CESTAT, New Delhi.
3. Guard file/office copy



2452/CR/2016  
29/08/2016

16/VP(CAA)/16  
14/09

11-03(1)/2016  
CFO

12/9/16

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

Ref. No. : RTI/P-537/(10081/16)/Appeal/16471  
Dated : 26-08-2016

To

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

23 AUG 2016  
30/8

**A. Contact Details :**

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

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri V.P.Pandey CPIO & Assistant Registrar
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	09-08-2016	
3.	Details of the order appealed against	Letter F. No. 11-123/CESTAT/CPIO-ND/VPP/2016 dated 10-8-2016	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	10-9-2016	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 9-8-2016. (Annexure-1) 2. Copy of CPIO Letter dated 10-8-2016. (Annexure-2)	

### **BRIEF FACTS OF THE CASE**

- (1) That the appellant has filed an application dated 09-08-2016 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the information as specified in para 4 thereof.
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri V P Pandey, CPIO has failed to provide complete and correct information as sought by the appellant within the specified period. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

### **GROUND OF APPEAL**

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) has deliberately and malafidely not forwarded / transferred the RTI Application to the Member concerned with a view to delay and deny the information and cause obstruction to the information without any reasonable cause. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame and he is liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question, without any reasonable cause.
- (3) That Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) and the Deemed CPIOs have failed to provide the information as sought in the RTI Application in question nor they have given any response despite the RTI Application having been forwarded to them under Section 5(4) & 5(5) of

the RTI Act. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

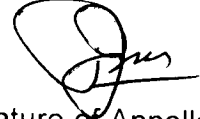
- (4) That Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) has failed to appreciate that the information in question has been sought by the appellant in larger public interest, therefore it cannot be denied as per the provisions of Section 8(2) of the RTI Act.
- (5) That the CPIO has erred in not providing the complete and correct information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the CPIO may be directed to provide the information within time bound frame.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (8) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

#### **PRAYER**

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the CPIO may be directed to transfer / forward the RTI Application to the Member concerned.
- (c) That the CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (d) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.

- (e) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (f) That a personal hearing may be granted to the appellant before deciding the appeal.



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

Place : New Delhi  
Dated : 26-08-2016