

11-6(A)/2016

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1486/CR-16  
30/5/16

2287/SCM/1874/16  
21/6/16

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

Ref. No. :RTI/P-537/(9840/16)/Appeal/16328

Dated : 28-05-2016

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

Customs Excise & Service Tax  
Appellate Tribunal

West Block 2, R.K. Puram,  
New Delhi - 110066  
30/05/16

**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)	15-04-2016
3.	Details of the order appealed against	Deemed Refusal
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	15-06-2015
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 15-4-2016. <b>(Annexure-1)</b> 2. Copy of CPIO letter dated 21-4-2016. <b>(Annexure-2)</b>

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	3. Copy of Appellant letter dated 2-5-2016. (Annexure-3)
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### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 15-04-2016 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide details and copies of Budget allocation (amount sanctioned) of CESTAT for the years 2014-15 & 2015-16 with particulars of Budget Estimates and Revised Estimates and also containing actual expenditure incurred during 3 years before the relevant Financial Years and additional sanction sought/obtained, if any.*
  - (B) *Please provide details and copies of statements on O.E./Contingent Charges/ Write off including condemnation of vehicle for the years 2014-15 & 2015-16 along with surrender of unspent sanctioned amount, if any.*
  - (C) *Please provide details of authorization / utilization of funds of one head of expenditure for the purpose of expenditure / use for other head from April 2014 to March 2016 [Re-appropriation of funds as per Rule 59 of GFR, 2005 & other provisions*
  - (D) *Please provide details and copies of the statements / reports sent by CESTAT to various authorities under the RTI Act from 1-1-2014 till the date of providing the information.*
  - (E) *Please provide statement of annual expenditure for CESTAT under various Heads year-wise for the years 2014-15 & 2015-16.*
  - (F) *Please provide the details of the expenditure made by the CESTAT on Traveling expenses including for ticketing, TA/DA for the years 2014-15 & 2015-16.*
  - (G) *Please provide datewise and itemwise information about expenditure made on purchase of Mobile Phone, TV, Vehicles, Air-conditioners, Laptops, Furniture, fittings compliances and other equipments etc.*

during the years 2014-15 & 2015-16 and name of officer to whom allotted.

- (H) Please provide copies of Monthly Bills for the expenditure made for the residence, office & other facilities & perks provided to Mr. G. Raghuram, President, CESTAT, during the financial years 2013-14, 2014-15 & 2015-16.
- (I) Please provide details of internal audit conducted during the financial years 2013-14, 2014-15 & 2015-16 and the name of the authority who conducted such audits and dates of internal audit.
- (J) Please provide the copies of the Audit Reports from the years 2013-14, 2014-15 & 2015-16.
- (K) Please provide the amount spent during the financial years 2014-15 & 2015-16 under the following heads :
- i) Transport including hiring of taxis and staff cars.
  - ii) Other Establishment Expenses.
  - iii) Non-planned expenditures.
  - iv) Stationery and Printing Expenses.
  - v) Computer and Computer consumables including AMCs, Toners and repairs and Software development.
- (L) Please provide details of the type of audit conducted at CESTAT, Delhi, Mumbai, Kolkata and Chennai, during the financial years 2013-14, 2014-15 & 2015-16. Please also provide copies of audit reports, audit objections and memos etc. issued by the Audit party of AGCR, Computer & Auditor General and Internal Audit during the above financial years.
- (M) Please provide copies of all audit explanations/ replies given for all audit objections/audit memo/memorandum from 1-1-2013 till the date of providing the information.

**Note:-Please provide point-wise information / response for each of above points**

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- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That the appellant received letter dated 21-04-2016 (**Annexure-2**) of Shri V.P. Pandey, CPIO & Assistant Registrar, CESTAT, New Delhi to A.O., CESTAT, New Delhi. The Appellant vide letter dated 02-05-2016 (**Annexure-3**) requested the said authority to provide the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

#### **GROUND OF APPEAL**

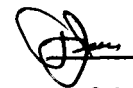
- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of Shri V.P. Pandey, CPIO & Assistant Registrar is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.

- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) 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.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

#### PRAYER

Under the circumstances, the appellant prays as under:

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



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

Place : New Delhi  
Dated : 28-05-2016

Received on  
03/08/2016

**APPELLATE AUTHORITY**  
**UNDER RIGHT TO INFORMATION ACT, 2005**  
Customs, Excise & Service Tax Appellate Tribunal  
West Block-2, R.K. Puram, New Delhi-66.

**Appeal No.11-61(A)/CESTAT/FAA-SKM/2016**  
**CPIO ID NO.10-66/CESTAT/CPIO-VP/2016**

Shri R.K. Jain ...Appellant

Vs.

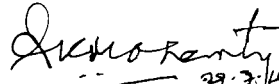
Shri V.P. Pandey, Asst. Registrar/CPIO ...Respondent

Date of Hearing/Decision: 11.07.2016

**ORDER** 103/2016

The grievance of the appellant in this appeal is that the information with regard to point B, D & H have not been provided by the CPIO. On perusal of the case records, I find that the deemed CPIO in response to the RTI application, vide his letter dated 30.05.2016 has stated that the information relating to point No. D does not pertain to the accounts section and with regard to point No.H, the information may be obtained from the concerned sections. Such submission of the deemed CPIO transpires that the information sought for do not fall under the exempted category and the same can be furnished by the concerned section of the CESTAT.

2. Therefore, I direct the CPIO to collect the available documents from the concerned section with regard to the points B, D and H and to furnish the same to the appellant within a period of 3 months from the date of receipt of this order.

  
(S.K. MOHANTY)  
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003.
2. Shri V.P. Pandey, Asst. Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy