

Per A
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.11-75(A)/2016
CPIO, ID No. 11-88/2016**

Sh. R.K. Jain

Appellant- Present

Vs.

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

Respondent- Present

ORDER 13/2018

Herd both sides and perused the record shown by both the sides and found that it is a repeated RTI Appeal in CPIO ID 11-88/2016. Already in this point Order No. 36/2017 dated 27.09.2017 has been passed in RTI Appeal No. 12-29(A)/2017.

So, no further order is required here.


(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



1621/CE-16
14/6/16

Appeal No 11-75(A)/2016
CPIO RD- 11-88/2016

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

Ref. No. : RTI/P-537/(9919/16)/Appeal/16364
Dated : 13-06-2016

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
14 JUN 2016
West Block 2, R.K. Puram,
New Delhi-110066

14/06

A. Contact Details :

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

273/RTI/SKM/25
15/7/16

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)	09-05-2016	
3.	Details of the order appealed against	Letter ID No. 11-88/2016 dated 7-6-2016	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	7-7-2016	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 9-5-2016. (Annexure-1) 2. Copy of CPIO letter dated 12-5-2016. (Annexure-2) 3. Copy of CPIO letter dated 7-6-2016. (Annexure-3)	

... from Sir's folder on 15/7/16.

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 09-05-2016 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the information specified therein.
- (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 & Assistant Registrar has deliberately and malafidely not provided complete and correct information as sought by the appellant despite the Dy. Registrar (Admn.) having advised that such information may also be available with the O/o Registrar. 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 provided the complete and correct information. He has not forwarded the RTI Application to the Registrar despite Dy. Registrar(admn.) having advised that information as sought in point (A) and (B) may also be available with the O/o Registrar CESTAT, New Delhi. 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.
- (3) That Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) has not forwarded the RTI Application in question to all the holders of the information as such information may also be held by the O/o Dy. Registrar (Judicial) & AR/DR of the CESTAT Benches at Mumbai, Chennai, Kolkata

and Bangalore. Therefore, he may be directed to forward the RTI Application to all the concerned deemed CPIOs.

- (4) That Shri Bineesh Kumar, Dy. Secretary (Admn.) & Deemed CPIO, has not forwarded the RTI Application to the other holders of the information. 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.
- (5) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant 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 order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.

- (e) That a personal hearing may be granted to the appellant before deciding the appeal.



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

Place : New Delhi
Dated : 13-06-2016