

10-126(A)15

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17.10.4072/EX-15  
2/11/15

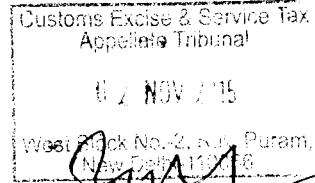
**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. : RTI/P-537/(9582/15)/Appeal/16029

Dated : 30-10-2015

To

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



**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 S.K.Verma CPIO & Asst. 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)	23-10-2015	
3.	Details of the order appealed against	Letter ID No. 10-223/2015 dated 26-10-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	26-11-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 23-10-2015. <b>(Annexure-1)</b> 2. Copy of CPIO letter dated 26-10-2015. <b>(Annexure-2)</b>	

82/SKM/RTI/15  
4/11/15

### BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 23-10-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide the following information in relation to (i) Appeal No C/52138/2014 (Esskay International, (ii) C/52139/2014 (Chirag Exports), (iii) C/52140/2014 (Subal Exports) and (iv) C/3302/2012 (Artex Textile Pvt. Ltd.)*

(i). *Computerized Report from CESTAT CASE INFORMATION SYSTEM also containing details of Case History, Application History, Appeal/Application details etc. with Diary No. and Impugned Order details as available on CESTAT Database for each of the above cases.*

(ii). *Copies of all Orders, Order Sheets / Record of Proceedings except Final Orders.*

(iii). *Copies of all the notes put up by the registry/Hon'ble Members with orders thereon.*

(iv). *Copies of any order/directions for out of turn listing of the matter*

(v). *Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.*

(vi). *Copies of AR Diary & After Court Cause list for 23-9-2015*

(vii). *Copies of all the After Court Supplementary Cause Lists, if any.*

(viii). *Copies of all notice of hearing issued to parties.*

(ix). *Copy of any instruction issued for listing of matter.*

(x). *Copies of any Court directions/orders received in the aforesaid matter.*

(xi). *Copy of compliance report, if any and current status of the case with next Date of hearing.*

(xii). *Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.*

*(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.*

*(C) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.*

- (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 S.K.Verma CPIO & Asst. Registrar has deliberately and malafidely not provided complete and correct information as sought by the appellant by wrongly claiming an exemption which has no applicability to the present case. 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 the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has deliberately and malafidely denied the information as sought in point (A)(i) to (A)(vi) and (A)(viii) to A(xii) of the RTI application by malafidely claiming a non-applicable exemption under section 8(1)(h) of the RTI Act. The CPIO has

given no reason whatsoever for claiming exemption, despite the claim of the appellant in para 5 of the RTI Application that the information as sought is not exempted under section 8 or 9 of the RTI Act or any other provisions of the RTI Act. In view of this declaration of the appellant, the CPIO should have put the appellant to notice before passing any order claiming exemption. 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 the impugned order dated 26-10-2015 of Shri S.K. Verma, Asstt. Registrar (SM) and CPIO is a non-speaking order in as much as it does not give any reason for claiming exemption, therefore his order to the extent it claims exemption is violative of the principles of natural justice and is liable to be set aside on this ground alone. Therefore, the order of the CPIO in so far as it claims exemption from disclosure of information, is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (5) That the CPIO is deliberately and malafidely claiming inapplicable exemption with a view to delay and deny the information without any reasonable cause rather with malafide intent and purpose. Therefore, the order of the CPIO to the extent appealed against 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.
- (6) That the information in question has been sought in larger public interest as the applicant has received information regarding certain irregularities in relation to these cases, therefore, the information in question is also required to be disclosed as per provisions of section 8(2) of the RTI Act. Therefore, the order of the CPIO to the extent it is appealed against, is liable to be set aside with direction to provide point-wise information to the

appellant within time bound frame.

- (7) That the CPIO is not properly passing the orders and they are in confused form. The order passed by the CPIO is also not complying with the provisions of section 7(8) of the RTI Act. Therefore suitable direction may be issued to the CPIO to pass reasoned order in proper form complying with all requirements of RTI Act and Rules.
- (8) 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.
- (9) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (10) 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.
- (11) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (12) 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.

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-6-

- (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  
24651101  
Fax No. 011-24635243

Place : New Delhi  
Dated : 30-10-2015

o/c

APPENDIX 1

(7)

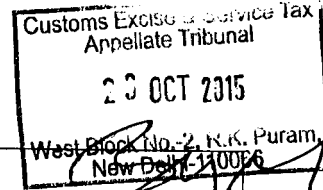
**Application under Section 6 of the Right to Information Act, 2005**

Ref. No. :RTI/P-195/9582/15

Dated : 23-10-2015

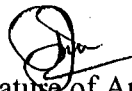
To

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



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide the following information in relation to (i) Appeal No C/52138/2014 (Esskay International, (ii) C/52139/2014 (Chirag Exports), (iii) C/52140/2014 (Subal Exports) and (iv) C/3302/2012 (Artex Textile Pvt. Ltd.) <i>and connected matters</i> (i) Computerized Report from CESTAT CASE INFORMATION SYSTEM also containing details of Case History, Application History, Appeal/Application details etc. with Diary No. and Impugned Order details as available on CESTAT Database for each of the above cases. (ii) Copies of all Orders, Order Sheets / Record of Proceedings except Final Orders. (iii) Copies of all the notes put up by the registry/Hon'ble Members with orders thereon. (iv) Copies of any order/directions for out of turn listing of the matter (v) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon. (vi) Copies of AR Diary & After Court Cause list for 23-9-2015 (vii) Copies of all the After Court Supplementary Cause Lists, if any.

	<p>(viii) Copies of all notice of hearing issued to parties.</p> <p>(ix) Copy of any instruction issued for listing of matter.</p> <p>(x) Copies of any Court directions/orders received in the aforesaid matter.</p> <p>(xi) Copy of compliance report, if any and current status of the case with next Date of hearing.</p> <p>(xii) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p> <p>(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>(C) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p><b>Note:-Please provide point-wise information/response for each of above points.</b></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. 32F 100321 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 <b>within 30 days of the Application.</b>

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

Place : New Delhi

Encl. : as above

Hita/....



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F.No...~~10-223~~...../CESTAT/CPIO-ND/<sup>SKV</sup>RP/2015,  
Customs, Excise and Service Tax, Appellate Tribunal,  
West block No.2, R.K.Puram, New Delhi-110066.

Dated 26/10/15

ID No. 10-223/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
Shri R.K. Jain  
Under RTI Act 2005 vide No. 9582/2015 dated  
23/10/15 (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. 9582/15 dated 23/10/15 CPIO ID No 10-223/2015 is  
forwarded herewith to the following officers as deemed CPIO with the  
request to provide correct and para-wise information/inspection on or  
before 11/11/2015 directly to the applicant and intimate the  
undersigned within the stipulated time, failing which you are  
personally 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. The information in  
point A (vi) & A (vii) may be supplied. Rest of the information  
Encl: as above  
of point A & B are exempted 4 & 8 (1) (h) of  
the RTI Act.

*[Signature]*  
(S.K. Sharma)  
Asstt. Registrar/CPIO 27/10/15

To

- 1 Asstt. Customs/ST (for point A (vi) & A (vii))
- 2 CPIO — for point C only
- 3 \_\_\_\_\_
4. Asstt. In-charge, Computer P/c for uploading on website

Copy for information to:-

Sh R.K. Jain,  
1512-B BHISHAM PITAMAH MARG,  
WAZIR NAGAR  
NEW DELHI - 110002

20/1/2016  
16797

**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.10-123(A)/2015**  
**CPIO ID NO. 10-181/CESTAT/CPIO-ND/RP/2015**

**Appeal No.10-126(A)/2015**  
**CPIO ID NO. 10-223/CESTAT/CPIO-ND/SKV/2015**

Shri R.K.Jain ...Appellant

Vs.

CPIO,CESTAT ...Respondent

Date of Hearing/decision: 08.04.2016

**ORDER**

73/2016

The grievance of appellant in these appeals are that the information sought for has been denied by the CPIO on the ground that the matter is sub-judice before the Tribunal. In this context, the appellant brought to the notice of the First Appellate Authority, the order No.69/2015 dated 26.11.2015 passed in the case of Appeal No.10-115(A)/2015 in CPIO ID No.10-139/2015 on an identical issue. I have heard both sides and perused the records. The relevant paragraphs of the cited order are extracted herein below:-

- "7. *I find from the above judgements of the judicial forum that the matter which are sub-judice before the Court or Tribunal is not falling in the category of exempted information in terms of any of the clauses of Section 8 (1) of the RTI Act, 2005.*
8. *In view of the foregoing, I do not find any sustenance in the submission of the CPIO that information cannot be furnished by the Tribunal, when a particular case matter is sub-judice before it, in as much as, Tribunal is a judicial body, which decides the appeals in the open Court. Hence, there is no question of maintaining any secrecy with regard to case file.*

*Raj*

9. *In view of the above, I am of the considered opinion that information sought for by the appellant can be furnished under the statute. Therefore, the CPIO is directed to furnish all the information to the appellant preferably within a period of 4 weeks from the date of receipt of this order."*
2. In view of the fact that the information can be furnished under the statute, I direct the CPIO to collect the information from the concerned section and forward the same to the appellant preferably within a period of 3 weeks from the date of receipt of the order. The appeal is disposed of in the above terms.

  
**(S.K. MOHANTY)**  
**APPELLATE AUTHORITY**

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy

10-127(LA)/15

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Dyno. 4738/CF-15  
22/12/15

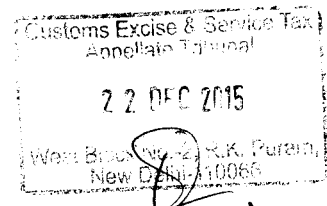
**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. : RTI/P-537/(9578/15)/Appeal/16101

Dated : 19-12-2015

To

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



22/12

**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
		(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)	21-10-2015	
3.	Details of the order appealed against	Letter ID No. 10-222/2015, dated 30-11-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	30-12-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 21-10-2015. (Annexure-1) 2. Copy of CPIO letter dated 26-10-2015. (Annexure-2) 3. Copy of CPIO letter dated 6-11-2015	

126/STM/15 (RTI)  
29/12/15

		(Annexure-3) 4. Copy of CPIO letter dated 30-11-2015 (Annexure-4)
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### BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 21-10-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide information whether any file of the Delhi Bench were with Smt. Archana Wadhwa after his relieving in December 2014. If yes, please provide list of such files with Appeal No. and the current status of such file with Order No. and Date of Order and place at which the said order was signed by the Hon'ble Member.*

(B) *Please provide the list of the files with Appeal No., Name of Parties and Name of Advocate which have been sent by Delhi Bench to Smt. Archana Wadhwa for orders or otherwise and the current location and status of such files with Order No. and Date of Order and the place at which the said order was signed by the Hon'ble Member.*

(C) *Please provide whether any Order has been signed or passed by Smt. Archana Wadhwa for the appeals relating to the Delhi Bench, after having been relieved in December 2014 from Delhi Bench. If yes, please provide a list of all such Orders with Name of Parties, Order No. and Date of Order and Place where the said Order was signed by the Hon'ble Member.*

(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 S.K. Verma, Asstt. Registrar (SM) and former CPIO and Shri V.P. Pandey, CPIO and Assistant Registrar (Excise), have deliberately

and malafidely not provided complete and correct information as sought by the appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

**GROUNDS OF APPEAL**

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and sprit of the RTI Act, 2005 hence liable to be set aside.
- (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, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri S.K. Verma, Asstt. Registrar (SM) and former CPIO has deliberately and malafidely forwarded the RTI Application in question to the Library Section by his order dated 21-10-2015 and to camouflage his such malafide action, he did not forwarded the copy of the order dated 21-10-2015 to the appellant as is the usual practice. The malafide of the CPIO is further provide from the response dated 23-11-2015 of the Library Section, as enclosed with Annexure – 4 of this appeal. Therefore, the action of forwarding to the RTI Application to Library Section be set aside. Shri S.K. Verma, Asstt. Registrar (SM) and former CPIO 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.
- (4) That Ms. Seema Sadhna, SPS to M(J-AJ) has deliberately and malafidely provided incorrect and incomplete information in relation to Point (A), (B) & (C) of the RTI Application. The appellant sought information regarding signing and passing of the orders by Mrs. Archana Wadhwa after her relieving in December, 2014 from Delhi Bench, but the information provided is not in relation to the period after her relieving, but refers to her leaving from Delhi. Therefore, incorrect incomplete and misleading information has been provided. 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 not forwarded the RTI Application in question to the Assistant Registrar of the Central Excise, Customs, Service Tax & Anti-Dumping and Single Member Bench of the CESTAT, Delhi, who were also holder of the information. In this respect, an Appeal No. 16028 dated 30-10-2015 is already filed, which may also be decided along with this appeal and the CPIO be directed to forward the RTI Application to the Bench, Registries.
- (6) That the CPIO has wrongly demanded a sum of Rs.2/- for providing information. . As per the RTI Rules, 2012, the copying fee is payable when the copies of any documents are sought and supplied to the appellant, thus no fee is payable for replying to the RTI Application, as held by CIC in its decision dated 24-7-2015 in the case of Shri A.S. Brar v. Directorate of Education (CIC/SA/A/2015/000743). Therefore, the demand of copying fee in question may be set aside.
- (7) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (8) 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.
- (9) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (10) 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.

5

-5-

- (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  
24651101  
Fax No. 011-24635243

Place : New Delhi  
Dated : 19-12-2015



ofc

ANNEXURE 1

6

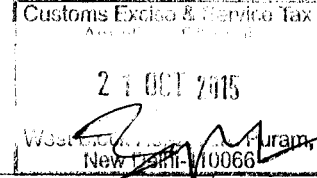
**Application under Section 6 of the Right to Information Act, 2005**

Ref. No. :RTI/P-195/9578/15

Dated : 21-10-2015

To

CPIO  
Customs Excise & Service Tax Appellate Tribunal,  
West Block 2, R.K.Puram,  
New Delhi - 110066



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide information whether any file of the Delhi Bench were with Smt. Archana Wadhwa after his relieving in December 2014. If yes, please provide list of such files with Appeal No. and the current status of such file with Order No. and Date of Order and place at which the said order was signed by the Hon'ble Member.  (B) Please provide the list of the files with Appeal No., Name of Parties and Name of Advocate which have been sent by Delhi Bench to Smt. Archana Wadhwa for orders or otherwise and the current location and status of such files with Order No. and Date of Order and the place at which the said order was signed by the Hon'ble Member.  (C) Please provide whether any Order has been signed or passed by Smt. Archana Wadhwa for the appeals relating to the Delhi Bench, after having been relieved in December 2014 from Delhi Bench. If yes, please provide a list of all such Orders with Name of Parties, Order No. and Date of Order and Place where the said Order was signed by the Hon'ble Member.  <b>Note:-Please provide pointwise information/response for each of above points.</b>

7

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. 32F 100315 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 <b>within 30 days of the Application.</b>



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

Place : New Delhi

Encl. : as above

11/11/05---9578

F.No. 10-222 /CESTAT/CPIO-ND/PP/2015<sup>SKV</sup>,  
 Customs, Excise and Service Tax, Appellate Tribunal,  
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 26/10/15

ID No. 10-222/2015

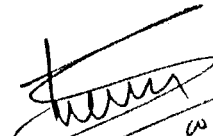
Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of  
 Shri R.K. Jain  
 Under RTI Act 2005 vide No. 9578/15 dated  
21/10/15 (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. 9578/15 dated 21/10/15 CPIO ID No 10-222/15 is  
 forwarded herewith to the following officers as deemed CPIO with the  
 request to provide correct and para-wise information/inspection on or  
 before \_\_\_\_\_ directly to the applicant and intimate the  
 undersigned within the stipulated time, failing which you are  
 personally 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

Encl: as above

  
 (S.K. Verma)  
 Asstt. Registrar/CPIO

To

1 ~~Asstt. Secy. (Excise) Customs & ST~~  
 former  
 2 Secy - MCT-AW

3

4. Asstt. Secy, Computer Cell for uploading on website

Copy for information to:-

Sh R.K. Jain,  
 1519-B BHISHAM PITAMAH MARG,  
 WAZIR NAGAR  
 NEW DELHI-110002

Annex 3

9

F.No. <sup>222</sup> 10-163 / CESTAT/CPIO-ND/SKV/2014  
Customs Excise and Service Tax Appellate Tribunal  
West Block No 2, R.K.Puram, New Delhi-110 066

Dated <sup>06/11/15</sup> 06/11/15  
ID No. <sup>222</sup> 10-163/15

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. <sup>9578/15</sup> 9578/15 Dt. <sup>21/10/15</sup> 21/10/15  
and our ID No. <sup>10-222/15</sup> 10-222/15 and ~~First Appellate Order no.~~  
the information received from ~~SPS - M(CI-AJ)~~ containing ~~1~~  
pages is enclosed herewith for your reference please.

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

If the applicant is aggrieved, he may file an appeal under section 19 of RTI Act within thirty days before Hon'ble FAA. CESTAT New Delhi.

  
(S.K. Verma)  
CPIO CESTAT, New Delhi

Encls:- As above

Copy to:- Computer section for website

-16924

Cont. B. Verma

To

The CPIO  
Customs, Excise & Service Tax  
Appellate Tribunal,  
New Delhi.

Dated: 5.11.2015

Sir,

Please refer to your letter F.No. 10-222 / CESTAT/ CPIO-ND/  
SKV/2015 dated 26.10.2015 ID 10-222/2015. (RTI application NO.  
9578/2015 dt 21.10.2015).

As directed by Hon'ble Member, she has dictated and signed all  
the orders before leaving Delhi in December, 2014. Therefore, the  
information sought in para 4 (A), (B) and (C) is 'NIL'.

1524/AJ/15  
5/11



( Seema Sadana )  
SPS to M(J-AJ)

5/11

4  
11

**F. No. 10-222 / CESTAT/CPIO-ND/VPP/2015**  
**Customs Excise and Service Tax Appellate Tribunal**  
**West Block No 2, R.K. , New Delhi-110 066**

Dated.30.11.2015

ID No. 10-222/2015

To,


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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. **9578/15** Dt. **21.10.2015** and our ID No. **10-222** the information received from **AR(Lib)** containing **1 page** is enclosed herewith for your reference please.

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

  
(V.P. Pandey)

Central Public Information Officer

Encls:- As above

Copy to:- Computer section for website

-17126

Genl Mee

Library Section

12

ID No.10-222/2015

Dated : 23-11-2015

With reference to the ID No.10-222/2015 dated 21-10-2015 regarding the information from the library under RTI Act vide application No. 9578/2015 dated 21-10-2015. This information is not pertains/ available in the Library Section.

26-11-15

AR(Lib)

27-11-15

To

CPIO  
CESTAT., R K Puram  
New Delhi-66

To

The CPIO  
Customs, Excise & Service Tax  
Appellate Tribunal,  
New Delhi.

Dated: 5.11.2015

Sir,

Please refer to your letter F.No. 10-222 / CESTAT/ CPIO-ND/  
SKV/2015 dated 26.10.2015 ID 10-222/2015. (RTI application NO.  
9578/2015 dt 21.10.2015).

As directed by Hon'ble Member, she has dictated and signed all  
the orders before leaving Delhi in December, 2014. Therefore, the  
information sought in para 4 (A), (B) and (C) is 'NIL'.

10/11/15  
SP

*Seema Sadana*

( Seema Sadana )  
SPS to M(J-AJ)

(Former SPS to A WMO)



**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.10-127(A)/2015**  
**CPIO ID NO. 10-222/CESTAT/CPIO-ND/SKV/2015**

Shri R.K.Jain ...Appellant

Vs.

CPIO,CESTAT ...Respondent

Date of Hearing/decision: 08.04.2016

**ORDER** 74/2016

The appellant submits that during pendency of appeals, the information sought for were furnished by the CPIO. As such, he prays for disposal of the appeal. In view of the fact that the information sought for have already been furnished to the appellant, further proceedings are closed and the appeals are disposed of accordingly.

  
**(S.K. MOHANTY)**  
**APPELLATE AUTHORITY**

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy

Dyno. 4739/A/15  
22/12/15

10-128/A/2015

①

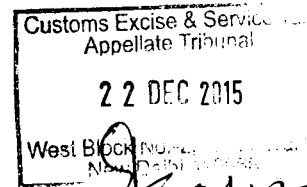
**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. : RTI/P-537/(9463/15)/Appeal/16100

Dated : 19-12-2015

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



**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	(1) Shri V.P.Pandey, CPIO & Accounts Officer (2) Shri A. Mohan Kumar, Registrar and Deemed CPIO (3) Shri Mukesh Gupta – Assistant Registrar (Administration), Deemed CPIO
		(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)	14-09-2015	
3.	Details of the order appealed against	ID No.10-175/2015 dated 4-12-2015, received on 10-12-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	10-1-2016	
6.	Whether Appeal in Time.	Appeal in time	

128/stm/15 (RTI)  
22/12/15

7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 22-9-2015.(Annexure-1) 2. Copy of CPIO's letter dated 4-12-2015.(Annexure-2) 3. Copy of the CPIO's letter dated 8-12-2015 (Annexure-3) 4. Copy of the Appellant's letter dated 30-10-2015 seeking copies of the documents (Annexure-4)
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### BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 14-09-2015 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide the copies of the note sheets and correspondence pages in which the appointment of Shri Vinay Kumar Mishra, as CPIO at CESTAT, Mumbai is dealt with.

(B) Please provide inspection of the file relating to the appointment of CPIO and First Appellate Authority in the CESTAT (All Benches) from 1-1-2011 till the date of providing the information.

(C) Please provide total number of the communications including D.O. letters sent by Registrar, CESTAT to the O/o the Revenue Secretary, O/o the Addl. Secretary, Revenue, O/o Joint Secretary, O/o the Chief Justice of India and O/o the Chief Justice of Delhi High Court, O/o the Registrar General, Supreme Court of India or O/o the Registrar General, Delhi High Court and any of the Law Officers, from 1-1-2015 till the date of providing the information. Please also provide copy of the said letters and copy of the response received. Please provide separate information in relation to each functionary.

(D) Please provide total number of the communications including D.O. letters sent by President, CESTAT to O/o the Prime Minister, O/o the Finance Minister, O/o the Revenue Secretary, O/o Additional/ Joint

*Secretary Revenue, O/o the Chief Justice of India, O/o the Chief Justice of Delhi High Court, O/o the Registrar General, Supreme Court of India, O/o the Registrar General, Delhi High Court and any of the Law Officers, from 1-1-2014 till the date of providing the information. Please provide separate information in relation to each functionary.*

*(E) Please provide inspection of the files / folders maintained in the Office of President, CESTAT relating to DOs and communications received or sent to the Office of Finance Minister, Office of the Revenue Secretary, Additional / Joint Secretary.*

*(F) Please provide inspection of the files / folders maintained in the Office of Registrar, CESTAT relating to DOs. and communications received or sent to the Office of Finance Minister, Office of the Revenue Secretary, Additional / Joint Secretary, Secretary, Revenue, O/o the Chief Justice of India and O/o the Chief Justice of Delhi High Court, O/o the Registrar General, Supreme Court of India or O/o the Registrar General, Delhi High Court and any of the Law Officers, from 1-1-2014 till the date of providing the information. Please also provide copy of the said letter and copy of the response received. Please provide separate information in relation to each functionary.*

*(D) Please provide total number of the communications including D.O. letters sent by President, CESTAT to O/o the Prime Minister, O/o the Finance Minister, O/o the Revenue Secretary, O/o the Chief Justice of India, O/o the Chief Justice of Delhi High Court, O/o the Registrar General, Supreme Court of India, O/o the Registrar General, Delhi High Court and any of the Law Officers, from 1-1-2014 till the date of providing the information. Please provide separate information in relation to each functionary.*

(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

