

10-155(A)/2015

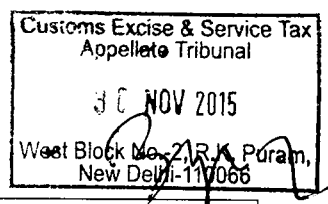
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By NO. 4554/Ext-15
30/11/15

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

Ref. No. :RTI/P-537/(9514/15)/Appeal/16090
Dated : 28-11-2015

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 Asstt. Registrar/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)	26-09-2015	
3.	Details of the order appealed against	Letter ID No. 10-185/2015 dated 12-11-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	12-12-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 26-9-2015. (Annexure-1) 2. Copy of CPIO letter dated 29-10-2015. (Annexure-2) 3. Copy of CPIO letter dated 12-11-2015. (Annexure-3) 4. Copy of the reply dated 18.11.2015 of Shri Sunil Kumar, Technical Officer and Deemed CPIO (Annexure-4)	

RTI/SKM/15
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		5. Copy of the CPIO Order 30-9-2015 (Annexure-5) 6. Copy of CPIO Order dated 29-10-2015 (Annexure-6)
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BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 26-09-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide datewise details of the action taken on the order dated 29-1-2014 of the Registrar, CESTAT (copy enclosed) and the present status as the display boards are not functioning at all for more than a year.*

(B) *Please intimate the name and designation of the officer / officers, who are responsible for proper functioning of the display board and the officers responsible for its operation in relation to each court. Please provide list of files from which the information as sought above is provided by you.*

(C) *Please provide the file No. in which the matter concerning the Display Board and their maintenance at the CESTAT is contained and provide copy of the Note sheets and correspondence pages of the said file from 1-1-2014.*

(D) *Please provide the details as to the date when the said matter concerning non-operation of the Display Board has been brought to the notice of the Registrar, CESTAT and the directions issued by him and steps take thereon*

(E) *Please provide the details as to the date when the said matter concerning non-operation of the Display Board has been brought to the notice of the President, CESTAT and the directions issued by him and steps take thereon.*

Note : 1) *Since the information as sought above, is held by the Office of the Hon'ble President and the Office of the Registrar, therefore this application may also be forwarded to them.*

- (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/CPIO has 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.
- (4) The CPIO and Deemed CPIO are deliberately and malafidely obstructing the information without any reasonable cause therefore he is liable for penal action. The First Appellate Authority is not empowered to take action under section 20 of the RTI Act, therefore the appellant reserves his right to move direct complaint to CIC u/s 18 of the RTI Act

GROUNDS 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 not forwarded the RTI Application to the holder of the information, inasmuch as no assistance under Section 5(4) & 5(5) has been sought from the Court Masters and the Registrars, who are the concerned officials, holding 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 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.

- (4) That the CPIO, despite the copy of the order dated 29-1-2014 of the Registrar, attached with the RTI Application, has not sought the information from the Court Master view a view to cause obstruction to the information with malafide intent and purpose. 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.
- (5) That the CPIO and Deemed CPIO have deliberately and malafidely not provided the complete and correct information as sought in Point (A) to (E) of the RTI Application. 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.
- (6) That the CPIO and Deemed CPIO have not provided datewise details of the action taken on the order dated 29-1-2014 of the Registrar, even though the court display board is non-functional for nearly two years. 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.
- (7) That the CPIO and the Deemed CPIO have deliberately and malafidely not provided the name of the officers who are responsible for proper functioning of the display board in each court as sought in Point (B) of the RTI Application. 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.

- (8) That the CPIO and the Deemed CPIO have deliberately and malafidely not provided the information as to the date on which the matter regarding non-operation of the display board has been brought to the notice of the Registrar and the directions issued by him and the steps taken thereon, as sought in Point (D) of the RTI Application. 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.
- (9) That Shri Rajendra Prasad, Former CPIO, CESTAT, New Delhi, deliberately and malafidely not forwarded the RTI Application to the Office of the Registrar and the Office of the President, by his order dated 30-9-2015 (**Annexure-5**), despite specific request made by the appellant in Note (1) of the RTI Application. 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.
- (10) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO, despite specific request of the appellant as contained in Note (1) of the RTI Application, has not forwarded the RTI Application in question to the Office of the President, with a view to 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 also to transfer the RTI Application to the Office of the President, and he is liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under

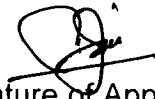
section 20(2) of the RTI Act, for delaying and obstructing the information in question, without any reasonable cause.

- (11) That Shri A. Mohan Kumar, Registrar and Deemed CPIO, has deliberately and malafidely, neither responded the RTI Application nor providing any information despite the RTI Application in question having been forwarded to him by order dated 29-10-2015 of the CPIO (**Annexure-6**). Therefore, he may be directed to provide the information 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.
- (12) 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.
- (13) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (14) 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.
- (15) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (16) 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 the CPIO be directed to forward the RTI Application to the Office of the President, CESTAT.
- (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 : 28-11-2015

o/c

1 (8)

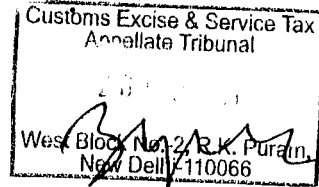
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9514/15

Dated : 26-9-2015

To

Shri Rajender Prasad
CPIO & Accounts Officer
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.	011-2-4635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide datewise details of the action taken on the order dated 29-1-2014 of the Registrar, CESTAT (copy enclosed) and the present status as the display boards are not functioning at all for more than a year. (B) Please intimate the name and designation of the officer / officers, who are responsible for proper functioning of the display board and the officers responsible for its operation in relation to each court. Please provide list of files from which the information as sought above is provided by you. (C) Please provide the file No. in which the matter concerning the Display Board and their maintenance at the CESTAT is contained and provide copy of the Note sheets and correspondence pages of the said file from 1-1-2014. (D) Please provide the details as to the date when the said matter concerning non-operation of the Display Board has been brought to the notice of the Registrar, CESTAT and the directions issued by him and steps take thereon (E) Please provide the details as to the date when the said matter concerning non-operation of the Display Board has been brought to the notice of the President, CESTAT and the directions issued by him and steps take thereon.

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

HR

Date: 29.01.2014

ORDER

Sub: Operation and control of Display Boards (DBs) installed in Court room- responsibility of Court Master concerned.

It has been brought to the notice of the undersigned that DBs installed in the court room are not properly operated/controlled by the Court Masters. This result in confusion and inconvenience to the stake holders.

2. The Court Masters are, therefore, directed to properly and effectively operate and control the DBs in the manner expected of them. Any malfunctioning or non-functioning of the DBs has to be immediately brought to the notice of Computer Section for suitable remedial measures. Any lapse in this regard would be viewed seriously.

[Signature]
Registrar

To,
All the Court Masters

[Handwritten signature]

- Copy to:
- 1. AR (Admin)/AR (Excise)/AR (Customs)/AR (SM)
 - 2. PA to Registrar
 - 3. Office copy

[Handwritten signature]

F.No.10-185 / CESTAT/CPIO-ND/RP/2015
 Customs Excise and Service Tax Appellate Tribunal
 West Block No 2, R.K.Puram, New Delhi-110 066

Dated- 29/10/15
 ID No. 10-185/2015


To,
 Shri R.K. Jain
 1512-B- Bhishma Pitamaha
 Marg, Wazir Nager,
 New Delhi - 110003.

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No- 9514/15, Dt- 21/9/15
 and our ID No. 10-185/15. the information received from - Adm (Adms)
 containing - 1 - pages is enclosed herewith for your reference
 please.

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


 29/10
 (S.K. Verma)
 Asstt. Registrar/CPIO

Encl:- As above

Copy to:- Computer Section for website

F.No. 33(326)/RTI/Misc./CESTAT-ND/Admn.2015
Customs Excise & Service Tax Appellate Tribunal
West Block No. 2, R.K. Puram, New Delhi - 66


Dated : 26.10.2015
I.D. No. 10-185/2015

Sub : Information sought under Right to Information Act, 2005

Sir,


Please refer to the RTI application no. RTI/P-195/9514/15 dated 26.9.2015 filed by Shri R.K. Jain in CPIO I.D. No. 10-185/2015. The point wise reply to the RTI is as under :

- (A) To (E) - Information sought by the applicant does not pertain to Admn. Section


27.10.15
(Mukesh Gupta)
Asstt. Registrar (Admn.)

To

Shri S.K. Verma, Asstt. Registrar/ CPIO, CESTAT, New Delhi


27/10/15

F.No/10-185/CESTAT/CPIO-ND/RP/2015
 Customs Excise and Service Tax Appellate Tribunal
 West Block No 2, R.K.Puram, New Delhi-110 066

Dated-12-11-15

ID No. 10-185/2015

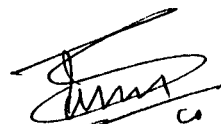
To,
 Shri R.K. Jain
 1512-B- Bhishma Pitamaha
 Marg, Wazir Nager,
 New Delhi - 110003.

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No- 9514/15 Dt- 26.9.15
 and our ID No. 10-185/2015 the information received from Admn.
 containing 1 pages is enclosed herewith for your reference
 please.

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


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

Encl: As above

Copy to:- Computer Section for website

16971 Grand file.

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Annex 4

(15)

F.No. 10-185 / CESTAT/CPIO-ND/SKV/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated.18.11.2015

ID No. 10-185/2015

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. **9514/15** Dt. **26.09.2015** and our ID No. **10-185** the information received from **Technical Officer, The Registrar, AR(Computer)** containing **15 pages** is enclosed herewith for your reference please.

You are, Therefore, requested to please acknowledge the receipt and deposit Rs. 30 (@ 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 First Appellate Authority . CESTAT New Delhi.


(S.K. Verma)

Central Public Information Officer

Encls:- As above

Copy to:- Computer section for website

Guard file

**F.No 7(3)/CESTAT/RTI/CompSec/2015
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.2, R.K. PURAM, NEW DELHI.**

Dated: 12.11.2015

Note

**Sub: Information sought by Shri R.K.Jain
under RTI Act' 2005-reply-reg.**

Refer: RTI/P-195/9514/15 dated 26/09/2015

Please refer to note dated 29/10/2015 of CPIO issued vide F.No. 10-185/CESTAT/CPIO-ND/RP/2015 on the captioned subject. The point wise information relate to computer section is furnished below.

A In absence of feedback with respect to functioning of the display board, no action so far has been taken in terms of the order dated 29.01.14. Moreover, this office is not in a position to set right the defect/malfunctioning of the display board in absence of the procurement details of the machines. On being asked the, Office of Chief Commissioner (AR) has not provided with the details. Copies of the letters dated 26/05/2015, 25/02/2015 and 18/11/2014 enclosed as ready reference.

B Information already provided vide F.No. 8/2/CESTAT/Comp/08 Vol-1 dated 29/01/2014 and 7(1)/CESTAT/RTI/CompSec/2014 dated 05/11/2014. (Copies enclosed for ready reference).

C F.No. 10(1)/CESTAT/Display board/2014. Copy of note sheet enclosed.

D The matter was referred by this office to office of the Chief Commissioner (AR) and steps taken are dealt in the file no 10(1)/CESTAT/Displaybaord/2014.

E Attempt was taken to sort out the issue in co-ordination with office of the Chief Commissioner, (AR). However in absence of procurement details, necessary steps for respective condition of the display board could not be initiated. Matter has not been brought to the notice of the Hon'ble President.

CPIO is requested to collect the appropriate charges for the enclosure.

Encl: 1 page


(Sunil Kumar)
Technical Officer

To

The CPIO, CESTAT Delhi