

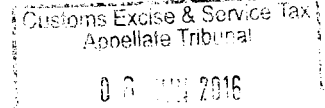
1554/CR-16
6/6/16233/SK/RTI
6/6/16**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. :RTI/P-537/(9889/16)/Appeal/16339

Dated : 03-06-2016

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



West Block 2, R.K. Puram,
New Delhi - 110066
06/06

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)	25-04-2016	
3.	Details of the order appealed against	Letter ID No. 11-79/2016 dated 30-5-2016	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	30-6-2016	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 25-4-2016. (Annexure-1) 2. Copy of CPIO letter dated 29-4-2016. (Annexure-2) 3. Copy of CPIO letter dated 30-5-2016. (Annexure-3)	

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 25-04-2016 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide details and inspection of all the files relating to computerisation of CESTAT website and workflow systems of CESTAT.*
 - (B) *Please provide inspection of computerised workflow systems, computerised data in relation to Appeals, registration and listing of appeals and applications, movement of appeal files, etc., as held by the Computer Section, Central Registry, Excise Bench, Customs & Service Tax Bench and Single Member Bench.*
 - (C) *Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) during hearing of one of the Appeals before the F.A.A., CESTAT, has stated that the Bench Registries are maintaining records of the reserved orders. In this regard, please provide the following information:*
 - (i) *Please provide the details and records relating to the reserved orders by all the Registries of the CESTAT from 1-1-2015 till the date of providing the information.*
 - (ii) *Please provide the details and records relating to the reserved orders by all the PS to the Members of the CESTAT, Delhi, from 1-1-2015 till the date of providing the information.*
 - (D) *Please provide the details of the case files which have not been returned by the concerned Bench / Members within 60 days of the hearing. This information may be provided from 1-1-2015 till the date of providing the information. Since the movement of the case files is duly maintained, therefore, the above information is not deniable on the ground of non-maintenance.*
 - (E) *Please provide details and list of the case files which are pending with the Bench / Members as on 25-4-2016 or any other date of April, 2016 (except the cases listed for hearing during April, 2016), as is convenient to you.*

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

- (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. 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 the CPIO and the Deemed CPIOs have not provided the information as sought in Point (A) & (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.
- (4) That the CPIO and the Deemed CPIOs have not provided the complete and correct information in relation to all the Members of the CESTAT. Even the information provided is not up-to-date in relation to Mrs. Archana Wadhwa. Incomplete, incorrect and misleading information has been provided in relation to Hon'ble Members, Shri R.K. Singh and Shri S.K. Mohanty and Shri Ravichandran. 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 the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (7) 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.
- (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 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 : 03-06-2016

Revised on 03/08/16

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.11-066(A)/CESTAT/FAA-SKM/2016
CPIO ID NO. 11-79/2016

Shri R.K.Jain ...Appellant

Vs.

CPIO, CESTAT ...Respondent

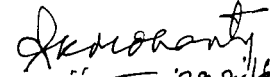
Date of decision: 20.7.2016

ORDER 116/2016

With regard to point No. A & B in the RTI application, the CPIO concedes that inspection of records relating to computerization can be provided to the appellant. The submission of the CPIO is considered by the Forum, and accordingly, direct the CPIO to allow inspection of the records to the appellant upon receipt of 2 days prior intimation regarding the date of inspection.

2. With regard to point No. C, D and E, the CPIO submits that vide its ID No. 11-96/2016, copies of order reserve register w.e.f. 1.1.2015 upto May 2016 have already been provided to the applicant, which contains the information relating to order reserve matters. Thus, the CPIO submits that since the information have already been provided, there is no need to furnish the same again. I accept the submissions of the CPIO and accordingly, dispose of the appeal in context with Point No. C, D & E.

3. The appeal is disposed of in above terms.


29.7.16
(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