

11-81(A)/2016

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

Ref. No. : RTI/P-537/(9866/16)/Appeal/16432

Dated : 10-8-2016

To
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

11 AUG 2016

West Block No.-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 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)	18-04-2016
3.	Details of the order appealed against	Letter ID No. 11-72/2016 dated 27-7-2016
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	27-8-2016
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 18-4-2016. (Annexure-1) 2. Copy of CPIO letter dated 21-4-2016. (Annexure-2) 3. Copy of CPIO letter dated 27-7-2016. (Annexure-3)

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 18-04-2016 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the information as specified in para 4 thereof.
- (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 failed to provide complete and correct information as sought by the appellant within the specified period. 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) and Shri Bineesh Kumar, Dy. Secretary (Admn.) & Deemed CPIO, has denied the information on the ground that similar information was provided in the year 2014 & 2015. The appellant has sought upto date information till the date of providing the information, therefore the claim of the CPIO/Deemed CPIO that the information is already provided is incorrect and false. 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) and Shri Bineesh Kumar, Dy. Secretary (Admn.) & Deemed CPIO, has not provided point-wise information to the appellant as is required as per various decisions of the CIC and High Courts. 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 Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) and Shri Bineesh Kumar, Dy. Secretary (Admn.) & Deemed CPIO, has failed to appreciate that the information in question has been sought by the appellant in larger public interest, therefore, it cannot be denied as per the provisions of Section 8(2) of the RTI Act.
- (5) That the CPIO has erred in not providing the complete and correct 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 cannot 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
24651101
Fax No. 011-24635243

Place : New Delhi
Dated : 10-8-2016

THE FIRST APPELLATE AUTHORITY, CESTAT, NEW DELHI.

DATE OF HEARING 15.12.2016

APPEAL NO. 11-81(A)/2016

CPIO ID NO. 11-72/2016

In the matter of

Sh. R.K Jain

Appellant

Present

V/S

CPIO CESTAT, Delhi


Respondent

Present

& Sh. Poolesh Kumar DR

ORDER^{No}-153/2016

Heard Sh. R.K Jain. Sh. P. Kumar DR was also present. Information at (B) and (D) yet to be provided. The same may be provided within a period of two weeks.


15/12/16