

~~2672/CR/2016~~
~~12/09/2016~~

~~18/VP(FAA)/16~~
~~14/09~~

~~11-85(A)/2016~~

CPID

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

Ref. No. : RTI/P-537/(9801 & 9802/16)/Appeal/16483
Dated : 10-09-2016

12/9/16

~~14/09~~

To

Shri V.Padmanabhan
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
17-09-16
West Block 2, R.K. Puram,
New Delhi - 110066
12/9

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)	07-04-2016	
3.	Details of the order appealed against	Letter ID No. 11-57/2016 & 11-58/2016 dated 29-8-2016	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	29-9-2016	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application No. 9801 dated 7-4-2016. (Annexure-1) 2. Copy of RTI Application No. 9802 dated 7-4-2016. (Annexure-2) 3. Copy of CPIO letter dated 2-5-2016. (Annexure-3) 4. Copy of CPIO letter dated 2-5-2016. (Annexure-4) 5. Copy of Appellant letter dated 7-5-	

		2016. (Annexure-5) 6. Copy of Appellant letter dated 7-5-2016. (Annexure-6) 7. Copy of Appellant reminder letter dated 12-8-2016. (Annexure-7) 8. Copy of Appellant reminder letter dated 12-8-2016. (Annexure-8) 9. Copy of CPIO letter dated 29-8-2016. (Annexure-9)
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BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 07-04-2016 (**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) has not provided the complete and correct information in as much as the incharge of the Central Excise Branch, Customs, ST & AD Branch has not provided any information despite the RTI Application being transferred to them by CPIO on 13-4-2016 with direction to provide information by 26-4-2016 whereas the AR of the Single Member bench has provided the information pertaining to his Bench. Therefore the CPIOs and Deemed CPIOs may be directed to provide the information within time bound frame.

- (3) 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.
- (4) 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.
- (5) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (6) 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 : 10-09-2016

Received on
21-11-2016

FIRST APPELLATE AUTHORITY UNDER RTI Act
Customs, Excise & Service Tax Appellate Tribunal,
West Block No.2, R.K.Puram, New Delhi -110066

Date of hearing: 18.11.2016

Appeal No.11-85(A)/2016

CPIO ID No.11-58/2016

In the matter of

Shri R.K. Jain

Appellant

Vs.

CPIO, CESTAT Delhi


Respondent

Order No. *151/2016*

Per V. Padmanabhan:

Information may be provided within six weeks from the date of receipt of this order., *to the extent available.*

Appeal is disposed of.


(V. Padmanabhan)
First Appellate Authority

To

Shri V.P. Pandey, CPIO, CESTAT, New Delhi

Copy to:

Shri R.K. Jain,, 1512-B, Bhisnm Pitamah Marg, Wazir Nagar, New Delhi -110003.