

4189/CR/2016
09/12/2016

11-95(1)/2016
CPIO

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

13/12/16

Ref. No. : RTI/P-537/(10153/16)/Appeal/16634

Dated : 6-12-2016

To

Shri V. Padmanabhan
Hon'ble 1st Appellate Authority & Member (T)
Customs, Excise & Service Tax Appellate Tribunal,
West Block 2, R.K. Puram,
New Delhi - 110066

Customs Excise & Service Tax
Appellate Tribunal
09 DEC 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 & 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)	01-09-2016	
3. Details of the order appealed against	CPIO's letter ID No.11-136/2016 dated 7-11-2016 read with Appellant's letter dated 10-11-2016	
4. Prayer or relief sought	See Prayer clause at the end	
5. Last date for filing the appeal	10-12-2016	
6. Whether Appeal in Time.	Appeal in time	
7. Copies of documents relied upon by the applicant	1. Copy of RTI application dated 1-9-2016. (Annexure-1) 2. Copy of CPIO's letter dated 6-9-2016. (Annexure-2) 3. Copy of Appellant's letter dated 16-9-2016 to various Deemed CPIOs (Annexure 3 to 5) 4. Copy of CPIO's letter dated 19-10-	

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	2016. (Annexure-6)
	5. Copy of CPIO's letter dated 7-11-2016. (Annexure-7)
	6. Copy of Appellant's letter dated 10-11-2016. (Annexure-8)

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 01-09-2016 (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 & Asst. Registrar and the Deemed CPIOs have 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 the CPIO by his order dated 6-9-2016 (Annexure-2) asked the DR/ARs to provide the information by 20-9-2016. The appellant by his letter dated 16-9-2016 (Annexure-3 to 5) requested the Deemed CPIOs to provide the information. Despite the reminders, the Dy. Registrar (customs) has not so far provided any information. Even Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) has not provided complete information despite clarification dated 10-11-2016 (Annexure-8) of the appellant. The CPIO and Deemed CPIOs may therefore be directed to provide 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 : 6-12-2016

THE FIRST APPELLATE AUTHORITY, CESTAT, NEW DELHI.

DATE OF HEARING **16.01.2017**

APPEAL NO. ----- *11-357 AO/2016*

CPIO ID NO. - - - - - *11-136/2016*

In the matter of

Sh. R.K Jain

Appellant

V/S

CPIO CESTAT, Delhi

Respondent

ORDER — *159/2016*

Not pressed. Disposed.

BB

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