

(17)

F. No. 12-108/ CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

ID No: 12-108/2017

Subject: Information under Right to Information Act 2005.

Sir/Madam,

Please refer to your RTI application No. NIL Dt. 01.12.2017 and our ID No. **12-108/2017** the information received from **Asst. Registrar (Excise Branch)** containing 02 pages is enclosed herewith for your reference please.

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

Note:- RTI application's replies which are related to outer benches may be gathered from there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.

If aggrieved, you may file an appeal under section 19 of RTI Act within thirty days before Hon'ble First Appellate Authority, CESTAT New Delhi.


CPIO

CESTAT, New Delhi
Date: 09.01.2018

To

Sh. Rakesh Garg
6/204, Tikonia, Belanganj,
Agra, Uttar Pradesh-282004

10 JAN 2018

o/c

Customs Excise and service Tax Appellate Tribunal
West Block No. 2 R.K. Puram, New Delhi-110066

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CPIO ID No.12-108/2017
(RTI of Sh. Rakesh Garg)

Excise Division Bench

Reply

As per the DOP & T O.M. No. 1/18/2011-IR, Government of India Ministry of personnel, Public Grievances & Pensions Department of Personnel & Training North Block, New Delhi, Dated 16/09/2011, under the RTI act any citizen may seek any information which is available on record.

In this RTI application neither any appeal number of this tribunal is mentioned nor copy of any record is sought here.

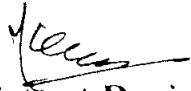
However, In applicant's another RTI application Number CPIO ID No. 12-44//2017, This Office has already given him a reply dated 07/07/2017. Which is already enclosed by the applicant along with his RTI application, which is in relation to Appeal No. E/3335-3343/2006 which is already decided vide FO/280-288/2008, as per our software record. By that reply applicant was also having facility to make inspection with the concerned official as per the CESTAT procedure rules or under the RTI act.

In this RTI Application applicant is not seeking any information/Copies of record from the Customs Excise & Service Tax Appellate Tribunal, New Delhi.

Applicant should file an RTI at the appropriate place, to where, it is concerned.

Date: 09-01-2018

Copy of OM enclosed.


29-01-2018
Assistant Registrar
Excise Division Bench


10/01/18



15 (2)

No.1/18/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 16th September, 2011

Subject: Observation of Hon'ble Supreme Court on Right to Information Act, 2005 in Civil Appeal no.6454 of 2011, arising out of SLP [C] No.7526/2009 in the case of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.

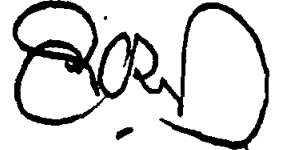
The undersigned is directed to invite attention to this Department's O.M. No.1/4/2009-IR dated 05.10.2009 whereby a Guide on the Right to Information Act, 2005 was circulated. Para 10 of Part I of the Guide, inter alia, stated that 'only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.' The same issue has been elaborated by the Supreme Court in the matter of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors. (Civil Appeal No.6454 of 2011) as follows:

"At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information *that is available and existing*. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and

14 (1)

furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."

3. This may be brought to the notice of all concerned.



(K.G. Verma)

Joint Secretary(RTI)

Tel: 23092158

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/Lok Sabha Sectt./Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

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F. No. 108/ CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No. 2, R.K. Puram, New Delhi-110 066

CPIO ID No. 12-108/2017

Subject: Information sought under RTI Act, 2005.

Sir/Madam,

Please refer to RTI application of Shri /Smt. Rakesh Garg (No. NIL dated 01.12.2017) under RTI Act 2005 (copy enclosed) wherein certain information are sought as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 5(4) read with Section 5(5) of RTI Act 2005 the RTI application CPIO ID No. **12-108/2017** is forwarded herewith to you as **CPIO** under section 5(4), with request to provide the correct and para wise information/inspection on or before 15.12.2017 directly to the applicant as permissible under the RTI Act & DOP & T. O.Ms within the stipulated time, failing which, as CPIO under section 5(4), you will be responsible for delay/denial and penalty if any, under section 20 of RTI Act. Further requested to follow OM No.12/31/2013-IR dated; 12.02.2013 circulated on 23.05.2013 and O.M. No. 1/18/2011-IR dated 16.09.2011.

If the information is not with your section or you, please reply from where it may be retrieved, without delay within 05 days.

Note:- RTI application's replies which are related to outer benches may be gathered form there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.


Encl: As above.

Date: 01.12.2017


CPIO

CESTAT New Delhi

For Compliance to:

x. *AR Evane* 

Copy to:

Sh. Rakesh Garg
6/204, Tikonia, Belanganj,
Agra, Uttar Pradesh- 282004

o/c

11 DEC 2017



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10 - 12 - 108/2017

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APPLICATION UNDER SECTION 6 OF THE RIGHT TO INFORMATION ACT, 2005

To

The Public Information Officer/Assistant Registrar,
C.E.S.T.A.T.,
West Block No.2, R.,K.Puram,
New Delhi-110 066.

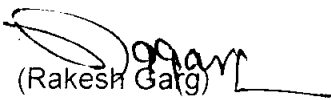
1	Name of the Applicant	Rakesh Garg,
2	(a) Address	6/204, Tikonia, Belanganj, Agra.
	(b) Phone No.	9837055870
	(c) Fax No.	-
3	Whether a Citizen of India	Yes
4	Particulars of Information	<p>It is to inform you that Asstt. Commissioner/CPIO, Central Excise, Kanpur vide RTI C.No.57/RTI/CEX/KNP/2017 Dated 17/08/2017 informed to the applicant that as regards to the latest position of the offence case booked by DGCEI, Kanpur on 04/11/1996, against M/s Prestige Paints, Kanpur and others, which was adjudicated by the Commissioner, Central Excise, Kanpur vide OIO No. 07/Commr/MP/2006 Dated 31/03/2006, the Review Branch(Hdqrs Office), Kanpur informed that the concerned files were mistakenly sent to the AC(Review) Central Excise, Agra and the information will be provided when the file received back from AC(Review) Agra.</p> <p>That in this regard, the CPIO, Agra informed to us vide RTI Order No. 12/RTI/2017 Dated 14/2/2017(copy enclosed), in reference to our RTI application that the file of Prestige Paints and others, have already been sent to the Asstt. Commissioner(Review) Central Excise, Kanpur by Agra office, vide their letter of even C.No 61 Dated 05/01/2017.</p> <p>That it is further to inform you that Asstt. Registrar, CESTAT, New Delhi as well as Asstt. Registrar, CESTAT, Allahabad had also informed to the applicant, in turn to his RTI Application, that no appeal of M/s Prestige Paints, Kanpur and others, is pending at their level.(Copy of RTI Order of the Asstt. Registrar CESTAT, New Delhi/Allahabad are enclosed herewith for ready reference. It appears to the undersigned that the department, is not providing the correct/latest information to the applicant, when the case was already remanded back by the CESTAT, New Delhi the Commissioner, Central Excise, Kanpur for</p>

*Recd
01/12/17*

AR Excise




		Commissioner, Central Excise, Kanpur for denovo adjudication, vide his order dated 31/03/2008(copy of the CESTAT, Order is enclosed herewith for ready reference.)
	(1)Details of information required.	From the RTI Order dated 14/02/2017 of CPIO, Agra, It is on record that the file is already handed over to the Review Branch (Hdqs Office) Kanpur by Review Branch, Agra for remand proceedings, as per the CESTAT, Order New Delhi dated 31/03/2008 but, still the proceedings of adjudication is not being initiated against the party and the applicant is being mis-informed time and again by CPIO, Kanpur for the reasons best known to the department. From this it appears that when such a huge amount of revenue, may likely to be recovered from the party, the proceedings of adjudication, are not being initiated against the party, which is with the mercy of the departmental officer of Review Branch, Hdqs Kanpur/ adjudication Branch, Kanpur. The applicant again would like to request to provide the latest position of this case, failure to which, the applicant will have no option but to takeup this matter with CBEC, New Delhi/PMO Office, New Delhi.
5	I state that the information sought does not fall within the exemption contained in Sections 8 & 9 of the Right to information Act,2005 and to the best of my knowledge it pertains to your office.	
6	A Postal Order No. 23F-196746 for Rs.10/- towards payment of fee is enclosed herewith. You are requested to filing the name in which the Postal Oder is payable.	
7	As per Rule 4(a) of the Right to Information (Regulation of Fee and cost) Rules,2005 a fee of Rs.2/- per page is payable. Kindly Intimate the Amount Payable and the name in which DD/Postal Order is to be drawn.	
8	As per Section 7 of the RTI Act,2005 information is to be provided within 30 days of the application.	


 (Rakesh Garg)
 Signature of Applicant.
 Mobile No. 9837055870.
 Place:- AGRA.
 Encl:- As above.

Copy of RTI letter is also forwarded to the Commissioner(BY NAME) to the Central Excise/CGST Commionerate, Kanpur for information and necessary action with request to intervne in this matter and start action immediately against the party so that such a huge amount of revenue, which may likely be recovered from the party, may not be foregone with the mercy of the Departmental Officers of the CGST Commissionerate, Kanpur.

2. Copy to the Chief Commissioner, CGST, 7-A Ashok Marg, Lucknow for information and necessary action.
3. Copy to the Chairman CBEC(Indirect Taxes) North Block, New Delhi. 110 001 for information and necessary action.


N cv(Rakesh Garg)
Signature of Applicant.
Mobile No. 9837055870.
Place:- AGRA.



आयुक्त, केन्द्रीय उत्पाद, सीमा शुल्क एवं सेवाकर,

113/4, संजय प्लेस, आगरा

प.स.V(1)08/ज.सू.अ./मुख्या./आगरा/2016

दिनांक : 14.02.2017

आदेश स. : 12/RTI/2017

दिनांक : 14.02.2017

An application, filed under RTI Act, 2005 [here-in-after referred to as RTI Act, 2005], by Shri Rakesh Garg, 6/204, Tikonia Belanganj, Near UCCO Bank, 282004, which was received in this office on 18.01.2017.

On receipt of the aforementioned application, I provide the following information to the applicant that the related party i. e. M/s. Prestige Paints is of Kanpur and its file has already been sent to the Assistant Commissioner (Review), Central Excise, Kanpur vide this office letter even C. No. 61 dt. 05.01.2007 (copy enclosed) in response to the letter of the Assistant Commissioner (Review), Central Excise, Kanpur C. No. IV/902/R/O/2014/5029 dt. 22.12.2016 (Copy enclosed). Thus, no information can be given from this office.

If the applicant is aggrieved with this order, he may prefer an appeal before Additional Commissioner/ First Appellate Authority, Customs, Central Excise & Service Tax, 113/4, Sanjay Place, Agra within thirty days from the date of receipt of this order under Section 19(1) of the RTI Act, 2005.

(Handwritten signature)
Dinesh Singh Dewat
CPIO/Deputy Commissioner
Central Excise: Agra

To

Shri Rakesh Garg,
6/204, Tikonia Belanganj,
Near UCCO Bank, 282004.

AGRA - 28/2/2017

Copy forwarded to the CPIO/Dy. Commissioner, Customs, Central Excise & Service Tax, 117/7, Sarvodaya Nagar, Kanpur along with copy of RTI application dt. 17.01.2017 for information please.

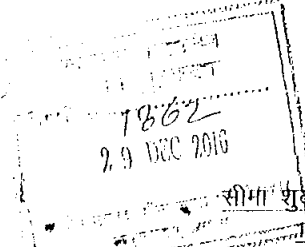
Encls :As above

CPIO/Deputy Commissioner
Central Excise: Agra

Recd.
17/2/17

SPEED POST

अति आवश्यक
RTI MATTER



कार्यालय आयुक्त,

सीमा शुल्क, केंद्रीय उत्पाद शुल्क एवं सेवाकर
113/4, सर्वोदय नगर, कानपुर

पत्रांक संख्या: IV/902/R/O/2014

5029
22-12-16

दिनांक: 22.12.2016

सेवा में,

सहायक आयुक्त (पुनर्विलोकन)
केंद्रीय उत्पाद शुल्क एवं सेवाकर
113/4, संजय प्लेस,
मंडल - आगरा

विषय: पत्रावलियों को वापस भेजने के सन्दर्भ में

आपको अवगत कराना है कि इस कार्यालय द्वारा निम्नलिखित पत्रावलियां भूलवश आपके कार्यालय को पत्रांक संख्या: IV/902/R/O/2014 दिनांक 10.02.2015 (प्रति संलग्न) द्वारा भेज दी गई हैं, जो कि इस कार्यालय से सम्बंधित हैं। निम्न पत्रावलियां उपरोक्त पत्र दिनांक 10.02.2015 के संलग्नक पर क्र.सं० 152 पर अंकित हैं (प्रति संलग्न)।

पत्रावली सं०	पार्टी का नाम:	अपील सं०	मूल आदेश सं०
694/06 699/06 697/06 696/06	Overseas Paints & Prestige Paints, Kanpur	E/3335-3343/2006-EX	07/Commr/06 dated 31.03.06

उपरोक्त सम्बन्ध में आपसे अनुरोध है कि उक्त पत्रावलियां एक जन सूचना अधिकार सम्बन्धी पत्र के कारण तुरंत आवश्यक हैं।

अतः आपसे अनुरोध है कि उपरोक्त पत्रावलियों को तुरंत इस कार्यालय में भिजवाने का कट करे।

संलग्नक (उपरोक्त)

R
04/11/17

यु.ए.ए.ए.
22-12-16

सहायक आयुक्त (पुनर्विलोकन)
केंद्रीय उत्पाद शुल्क
कानपुर

प्रतिष्ठित अधीक्षक (न्यायनिर्णयन) के.उ.शु., कानपुर को इस आशय के साथ प्रेषित है कि जैसे ही उपरोक्त पत्रावलियां आयुक्तालय आगरा से प्राप्त होंगी वैसे ही उनके पत्र C.No. V(15)/Adj./Misc/RTI/70/2012/4430 दिनांक: 14.12.2016 के सम्बन्ध में उपयुक्त पत्र इस कार्यालय से प्रेषित कर दिया जायेगा।

जी.म.आ.म.ट.नागा
जु.प.प्र.तु.त.पो.स.व.व.
2016/11/17

सहायक आयुक्त (पुनर्विलोकन)
केंद्रीय उत्पाद शुल्क
कानपुर

By Speed Post

8-

कार्यालय आयुक्त
OFFICE OF THE COMMISSIONER
केन्द्रीय उत्पाद, सीमा शुल्क एवं सेवा कर
CUSTOMS, CENTRAL EXCISE & SERVICE TAX

११३/४, संजय प्लेस, आगरा

113/4, SANJAY PLACE, AGRA- 282002

Phone - 0562-2850292, Fax - 0562-2851234,

E-mail - commissionerateagra@gmail.com

प.सं. IV/699/R/C/06/Pt

61
05-01-17

दिनांक: 04.01.2017

सेवा में,

The Assistant Commissioner (Review),

Central Excise Hqdrs,

Kanpur.

Subject	Return of case files
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Please refer to your office letter C.No IV/902/R/O/2014 dated 22.12.2016 wherein this office has been asked to return the case file No 694/06, 699/06, 697/06 and 696/2006.

In view of the same, please find enclosed herewith following files:

FILE NO	NAME OF THE PARTY	REMARK
699/06	M/S OVERSEAS LINKERS AGRA V/S CCE KANPUR	NIL NOTESHEET, 151 PAGES OF CORRESPONDENCE
696/06	M/S OVERSEAS PAINTS LINKERS, AGRA V/S CCE KANPUR	NIL NOTESHEET, 153 PAGES OF CORRESPONDENCE
697/06	M/S PRESTIGE PAINTS V/S CCE KANPUR	04 NOTESHEET, 245 PAGES OF CORRESPONDENCE
694/06	M/S OVERSEAS PAINTS PVT LTD V/S CCE KANPUR	NIL NOTESHEET, 179 PAGES OF CORRESPONDENCE

ENCL AS ABOVE

रुद्र प्रताप सिंह
05-01-2017

(रुद्र प्रताप सिंह)

उप आयुक्त (पुनर्विलोकन)

केन्द्रीय उत्पाद शुल्क आयुक्तालय

आगरा

16

F. No. 1244 / CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated. 7/7/17
ID No. 12-44/17

To,

Sh. Rakesh Singh
6/204, Tekaria.
Balanganj, Near UCB Bank
Agra - 282004

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. Dt. 17/4/17 and our ID No. 12-44/17 the information received from AR/Excise containing is enclosed herewith for your reference please. 01 Page

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

Note:- RTI application's replies which are related to outer benches may be gathered form there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.

If aggrieved, you may file an appeal under section 19 of RTI Act within thirty days before Hon'ble First Appellate Authority, CESTAT New Delhi.

V.P. Pandey
(V.P. Pandey)
Central Public Information Officer

Recd.
12/7/17

(15)

**Customs Excise and service Tax Appellate Tribunal
West Block No. 2 R.K. Puram, New Delhi-110066**

ID No.12-44/2017

Excise Division Bench

Point:4 Appeal No. E/3335-3343/2006 is already decided vide Final order No. 280-288/2008. As per record of software. However, for confirmation inspection of record may be made as per the CESTAT procedure rules.

COPY To


Assistant Registrar
Excise Appeal Branch

C.P.I.O.

Shri K.K. Anand & Shri Prem Ranjan Advocates for the appellants,

Shri V. Choudhary, SDR Departmental Representative, for the Revenue

Coram:

Hon^{ble} Mr. S.S. Kang, Vice President,

Hon^{ble} Mr. Rakesh Kumar, Member (Technical)

Date of Hearing: 31st March, 2008

FINAL ORDER NO. _____ dated _____

Per S.S. Kang:

Heard both sides.

2. The applicants filed these stay applications for waiver of pre-deposit of duty of Rs. 1,74,71,910/- and penalties.

3. Demand is against M/s. Prestige Paints. The Counsel appearing on behalf of M/s. Prestige Paints submitted that the impugned order is passed ex-parte. Contention is that when the show cause notice was received they filed an application before the Settlement Commission and also filed a declaration admitting their liability to the extent of approximately Rs. 21 lakhs and the said amount has already been deposited by them. Contention is that the Settlement Commission rejected their application and against rejection of their application they filed a writ petition in the Hon^{ble} Allahabad High Court. During the pendency of writ petition the adjudicating authority fixed date of hearing on 26.7.2006 and the applicants made a request for adjournment on the ground that writ petition against order passed by the Settlement Commission is pending. Hon^{ble} High Court dismissed the writ petition with observation that the applicants can seek remedy of review. In pursuance of the order of High Court the applicants filed application for review before the Settlement Commission and the same was again rejected. The applicants also submitted that the impugned order was passed in violation of principle of natural justice as cross-examination of witnesses whose statements were relied upon by the adjudicating authority for confirmation of demand was disallowed.

4. Contention is that trading firms are also dealing with the goods of other manufacturers. Case of the Revenue is that all paints & varnishes cleared under invoices of dealers are manufactured by appellants. Ground of demand is also that other manufacturers like Overseas Paints and Presting Alkydes are not independent manufacturers of paints and varnishes. Case of the Revenue is that Prestige Paints are procuring raw material in the name of these two firms, manufacturing the goods and clearing the same under invoices of these manufacturers. Contention is that out of the same investigation show cause notice was issued to Prestige Paints for confiscation of varnishes which were alleged to be cleared without payment of duty. Commissioner (Appeals) vide order dated 27.3.2002 set aside the adjudication order in respect of confiscation of goods in the case of Overseas Paints Pvt. Ltd. Contention is that as the Revenue is considering Overseas Paints as independent manufacturer and separate proceedings which is part of the same investigation, now

the revenue alleged that goods were actually manufactured by Prestige Paints but are shown to be manufactured by Overseas Paints Pvt. Ltd.. Therefore, demand is not sustainable. (2)

5. Contention of the Revenue is that the case was fixed for hearing on various dates but on each and every date the applicants asked for adjournment and ultimately case was adjudicated on the evidence on record. In respect of cross-examination contention is that the applicants in most of the cases asked for cross-examination of co-noticees. Co-noticees are the firms either manufacturer or traders which are controlled by the proprietor of Prestige Paints Shri G.K. Agarwal. In these circumstances request for cross examination was rightly denied.

6. Revenue also submitted that before Settlement Commission the applicants had taken different stands at different stages regarding their liabilities.

7. In reply the applicants submitted that there are some dealers which are not related to Shri G.K. Agarwal, proprietor of Prestige Paints. Contention is that M/s. Raj Ram Vinod Kumar, and M/s. Sethi Paints, Kanpur are not related to Shri G.K. Agarwal, proprietor of Prestige Paints but their cross examination was also declined.

8. In this case the adjudicating order was ex-parte. The applicants during pendency of the adjudicating proceedings approached the Settlement Commission and admitted their liability to the extent of approximately Rs. 21 lakh. Settlement Commission rejected their application and applicants filed writ petition in Allahabad High Court. During pendency of the writ petition adjudicating authority fixed the date of hearing but the applicants asked for adjournment on the ground that the matter is pending before the High Court. Hon^{ble} Allahabad Court vide order dated 30.4.2003 dismissed the writ petition with the observation that the applicants may seek remedy of review. Thereafter, the applicants approached the Settlement Commission and the Settlement Commissioner rejected their application. In these circumstances we find that it is a fit case for reconsideration by the adjudicating authority. The amount already deposited is sufficient for hearing of the appeal. Accordingly, we waive the condition of pre-deposit of remaining amount of duty and penalty and set aside the impugned order. The matter is remanded to the adjudicating authority to decide the same after affording reasonable opportunity of hearing to the appellants and to re-consider the request of the appellants for cross-examination. Appeals are disposed of by way of remand.

(Dictated & pronounced in the Open Court.)

(S.S. KANG)

VICE PRESIDENT

(RAKESH KUMAR)

MEMBER (TECHNICAL)

Dated 31st March, 2008-05-05

RK

SPEED POST (V)

**OFFICE OF THE COMMISSIONER, CENTRAL GOODS & SERVICE
TAX, 117/7, SARVODAYA NAGAR, KANPUR - 208 005**

C.No.57/RTI/CEX/KNP/2017/ 3160

Dated : 17.08.2017

Rakesh Garg, 6/204, Tikonia, Belanganj, Near UCCO Bank, Agra - 282004, filed an application dated 07.07.2017 under the Right to Information Act, 2005 [here-in-after referred to as RTI Act, 2005]. The applicant has submitted Indian Postal Orders bearing No. 90G.768540 for Rs.50 towards the application fees. The said application was received in this office on 02.08.2017.

On receipt of the aforementioned application, I provide the following information to the applicant under Section 7(1) of the RTI Act, 2005.

That M/s Prestige Paints during pendency of the adjudicating proceedings approached the settlement Commission. The Settlement Commission rejected their application vide order dated 05.10.2005. Thereafter, the applicants filed writ petition in the Hon'ble Allahabad High Court. In the meanwhile, the case was adjudicated by the Commissioner vide O-in-O No.07/Commr/MP/2006 dated 31.03.2006. The Hon'ble Allahabad High Court vide its order may seek remedy of review. Thereafter, the applicants approached the Settlement Commission but the Settlement Commissioner again rejected their application vide order dated 31.10.2007.

Regarding present status of the case, it was gathered that the party preferred an appeal before the CESTAT, New Delhi. Consequently, the Asstt. Commissioner (Review) was requested to provide the copy of the Final Order passed by CESTAT, New Delhi, if any, as this branch is not aware about any information regarding appeal in CESTAT by the party. In response, the Review branch (HQ), Kanpur informed that the concerned file was mistakenly sent to A.C.(Review), Central Excise, Agra and the information sought will be provided as soon as the file is received back.

Therefore, the presently the status of case not known, however, concerned authorities are requested to send the copy of decision of any in the matter

If the applicant is aggrieved with this order, he may prefer an appeal before joint Commissioner /First Appellate Authority (RTI), Central Goods & Service Tax, 117/7, Sarvodaya Nagar, Kanpur within thirty(30) days from the date of receipt of this order under Section 19(1) of the RTI Act, 2005.

To,

Rakesh Garg, 6/204,
Tikonia, Belanganj,
Near UCCO Bank,
Agra - 282004

[Handwritten signature]
24/8/17

[Handwritten signature]
(M.M.SAXENA)

ASSTT. COMMISSIONER/CPIO
CENTRAL EXCISE: KANPUR.

