

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/C/2015/000118

Dated 28.11.2016

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

Respondent : The Central Public Information Officer,
Customs Excise & Service Tax
Appellate Tribunal,
West Block-2, R.K. Puram,
New Delhi-110066.

Date of Hearing : 28.11.2016

Relevant dates emerging from the complaint:

RTI application filed on : 29.09.2015

CPIO's reply : 30.09.2015/02.11.2015

Complaint filed on : 12.11.2015

ORDER

1. Shri R.K. Jain filed an application dated 06.08.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO) Customs Excise & Service Tax Appellate Tribunal (CESTAT) seeking information on nine major headings pertaining to copies of all orders/order sheets, notes put up by the Registry with the orders/directions for out of turn listing of matters etc. in respect of and in relation to various appeals including (A) Appeal No. ST/2335/2012 (Nortal Networks India Ltd) and (B) Appeal No. ST/57240/2013 (Microsoft Corporation).

2. Shri R.K. Jain filed a complaint dated 12.11.2015 before the Commission on the grounds that the CPIO/Deemed CPIOs have deliberately and malafidely not provided the information. The complainant specifically alleged that Shri Kripa Shankar, Assistant Registrar (Custom, ST & AD) and deemed CPIO neither provided the information nor responded to his RTI application and that Shri S.K. Verma, Assistant Registrar/CPIO and Shri Mukesh Gupta, Assistant Registrar(Admn) have deliberately and malafidely denied the information sought on point No. (G) of the application by claiming wrong exemption just to deny the information. The complainant requested the Commission to take suitable action against the erring officials and award him appropriate compensation.

Hearing on 28.11.2016:

3. Both the complainant Shri R.K. Jain and the respondents Shri V.P. Pandey, Assistant Registrar and CPIO, CESTAT and Shri Mohinder Singh, Deputy Registrar, CESTAT were present in person.

4. The complainant submitted that complete information as sought has not been provided to him by the respondent. The complainant further submitted that the information in respect of point nos. A to F of the RTI application has not been provided to him by the respondent. The complainant also stated that the FAA vide his order dated 29.07.2016 had observed that no information from Shri Mohinder Singh, Deputy Registrar, Customs has been received and, therefore, the Deputy Registrar, Customs was directed to provide information to the complainant within four weeks. However, the same has not been complied with despite repeated reminders from the complainant and the CPIO, CESTAT.

5. The respondent (CPIO, CESTAT) submitted that the FAA vide his order dated 29.07.2016 directed the Deputy Registrar, Customs to provide information within four weeks to the complainant. Thereafter, vide letter dated 29.09.2016 the complainant and the Deputy Registrar concerned was

informed that except for point no. I of the RTI application, all the points were related to Deputy Registrar, Customs and, therefore, assistance of the Deputy Registrar concerned was sought in the matter.

6. The respondent Shri Mohinder Singh (Deputy Registrar, Customs) submitted that information could not be provided to the complainant as the relevant information was not received from the Head Clerk, CESTAT. However, the same would be obtained and provided to the complainant in due course of time.

Interim Decision:

7. The Commission, after hearing the submissions of both the parties and perusing the records, observes that Shri KripaShankar, Assistant Registrar, CESTAT has illegally reviewed his order and denied inspection to the complainant despite allowing inspection by his own order dated 29.03.2015. The Commission, further observes that information sought has not been provided by Shri Mohinder Singh, Deputy Registrar (Customs), CESTAT within the stipulated time despite the FAA's order. Therefore, Shri Mohinder Singh, Deputy Registrar, CESTAT and Shri Kripa Shankar, Assistant Registrar, CESTAT are liable for imposition of penalty in terms of provision under Section 20(1) of the RTI Act, 2005.

8. Shri Mohinder Singh, Deputy Registrar, CESTAT and Shri Kripa Shankar, Assistant Registrar, CESTAT are hereby directed to submit an explanation both by post and through e-mail at do.icsb-cic@gov.in before the Commission, on or before 10.01.2017, explaining why action under Section 20(1) of the RTI Act should not be initiated against him.

9. Shri Mohinder Singh, Deputy Registrar, CESTAT and Shri Kripa Shankar, Assistant Registrar, CESTAT are further directed to appear before the Commission on **24.01.2017 at 12.00 noon** along with a copy of his written explanations.

10. The CPIO, CESTAT, Shri V.P. Pandey, is directed to inform if there is/ are other person(s) responsible for knowingly not providing complete information to the complainant and if so to inform such persons of the show cause hearing and direct them to appear before the Commission on **24.01.2017 at 12.00 noon** along with his/ their written explanations.

11. Copy of decision be given free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer