

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/C/2015/000119**

**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 : 24.04.2015

CPIO's reply : 01.05.2015/12.05.2015 /  
10.06.2015

First appeal filed on : 18.09.2015

Complaint filed on : 22.09.2015

**ORDER**

1. Shri R.K. Jain filed an application dated 05.10.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO)/Under Secretary, Ad.IC Section, Department of Revenue seeking information on seven points pertaining to CESTAT Members Conference/Meeting held in Mumbai in May, 2015 including (i) file number from which the proposal for holding this conference/meeting has been dealt

with in the Department of Revenue (ii) details of the approval of the Ministry of Finance for holding this conference/meeting at Mumbai instead of at CESTAT Headquarters at Delhi and details of the last three CESTAT Members Conferences/Meetings with their location and the amount spent on the said conferences/meetings. The CPIO, Department of Revenue transferred the RTI application to the CPIO, Excise and Service Tax Appellate Tribunal (CESTAT) for providing the information to the complainant.

**2.** The complainant filed a complaint dated 22.09.2015 before the Commission on the grounds that the CPIO/Deemed CPIOs have deliberately and malafidely not provided complete and correct information within the prescribed period of 30 days even though the information sought was not exempted under Section 8 of the RTI Act and there was no reasonable cause for not providing the information and that the First Appellate Authority (FAA) did not respond to his first appeal. The complainant states that the CPIO/Deemed CPIO have deliberately and malafidely provided incomplete, incorrect, false and misleading information that the information is Nil whereas, such information exists with the public authority inasmuch as Members Conference was held in Mumbai in May, 2015 and details of air tickets have been provided by the same Deemed CPIO. The complainant requested the Commission to institute an inquiry into the matter under Section 18(2) of the RTI Act, 2005, summon and peruse the original records relating to the information sought, impose a penalty on the CPIO under Section 20(1), recommend disciplinary action against the CPIO under Section 20(2) and award appropriate compensation under Section 19(8)(b) of the RTI Act, 2005.

**Hearing:**

**3.** Both the complainant Shri R.K. Jain and the respondent Shri V.P. Pandey, Assistant Registrar and CPIO, CESTAT were present in person.

**4.** The complainant submitted that complete information has not been provided to him within the stipulated time. The complainant further

submitted that the deemed CPIO, Assistant Registrar, Admin., CESTAT has provided nil information and the same is misleading and incorrect as the information sought was available with the CPIO concerned. The complainant also stated that the FAA vide his order dated 29.07.2016 had directed the CPIO to provide information within two months. However, information in compliance with the said order was not provided within the stipulated time, despite a reminder dated 10.08.2016 to Shri V.P. Pandey, CPIO and Assistant Registrar, CESTAT.

**5.** The respondent submitted that on receipt of the RTI application from the CPIO, Department of Revenue, Ministry of Finance, assistance was sought under Section 5(4) of the RTI Act from the Registrar, Assistant Registrar (Admin), and Computer Section. The respondent further submitted that in compliance with the order of the FAA dated 29.07.2016, a letter dated 10.08.2016 was sent to the Registrar, Deputy Registrar and Account Officers, CESTAT for providing the information. Thereafter, on receipt of the information from the Registrar and the Deputy Registrar (Admin), CESTAT, the same was provided to the complainant vide letter dated 25.10.2016.

**Decision:**

**6.** The Commission, after hearing the submissions of both the parties and perusing the records, observes that the Registrar, CESTAT despite being made a deemed CPIO under Section 5(4) of the RTI Act by the CPIO CESTAT had not given any reply to the complainant within the stipulated period of time and it was only after the filing of this complaint and in compliance with the FAA's order that information was provided to the complainant. Therefore, the Registrar, CESTAT is liable for imposition of penalty in terms of provision under Section 20(1) of the RTI Act, 2005.

**7.** The CPIO, Registrar, CESTAT is hereby directed to submit an explanation both by post and through e-mail at [do.icsb-cic@gov.in](mailto: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. Shri V.P.

Pandey, CPIO, CESTAT will ensure that a copy of this show cause notice is served upon the officer.

**8.** The CPIO, Registrar, CESTAT is further directed to appear before the Commission on **24.01.2017 at 12.00 noon** along with a copy of his written explanations.

**9.** The CPIO is also 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.

**10.** Copy of decision be given free of cost to the parties.

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**