

S. P. Goyal

File No. S-1691(C)/9032

by speed-post

Dated 10.02.2015

FORM-12

FORM OF APPEAL TO BE FILED U/S.19 (1) OF THE RTI ACT

Appeal Before :

First Appellate Authority (FAA) under RTI Act, 2005
Shri Ajay Kumar Nema,
Director (Hqrs.)/Appellate Authority,
Ministry of Finance, Department of Revenue,
Room No. 48-A/I, North Block,
New Delhi-110001.

PA

16.2.15

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17/1/15
S. P. Goyal

S. P. Goyal
103A, Krishna Chambers,
59, New Marine Lines, Mumbai 400 020
Central Public Information Officer
In the office of Chairman
Central Board of Excise & Customs
North Block, New Delhi-110 001.
Application File No. S-1691(C)/8953 dt.
31.12.2014 (Copy Enclosed)
31.01.2015
yuf
17/12
ans Rao

1 Name of the Applicant

2 Address

3 Particulars of the CPIO

4 Date of submission of application
And application ID

5 Date on which 48 hours/30 days/40
days (as applicable) are over

6 Date of receipt of order of CPIO, if any
(certified copy of the order shall be
enclosed)

Order No. F.No.A-50050/16/2015-Ad.I dt.
23.01.2015 received on 05.02.2015 (Certified
Copy Enclosed)

7 Reason for Appeal:-

- i) The information was not supplied in Time No
- ii) The information was not as per the format mentioned in the application Yes
- iii) The information is not correct Yes
- iv) The information is not complete Yes
- v) This is an appeal by third party who is aggrieved against proposed disclosure of information by the CPIO to the applicant No
- vi) Any other reason, please specify

8 If there is any delay in filing the appeal, reasons for delay may be given

Separate sheet attached for grounds of appeal.
No

Acknowledgement
Appeal ID No. S-1691(C)
Dated: 10.02.2015

S.P. Goyal


S. P. Goyal
(Appellant)

*If Citizen does not oppose injustice and crime then he is encouraging it.
If we are not part of solution then we are problem.*

2

Separate Sheet

Appeal Ref. File No.S-1691(C) Dated 10.02.2015

| 1 | 2 | 3 |
|---|---|--|
| Information sought vide Application File No. S-1691(C)/8953956 dt. 31.12.2014 posted on 01.01.2015 | Information given under RTI Act vide Order No.F.No. A-50050/16/2015-Ad.I dt. 23.01.2015 of Under Sec. (Ad.I) & CPIO received on dt. 05.02.2015. | Reason & Ground of Appeal under Section 19(1) of Right to Information Act, 2005 |
| <p>1. Please provide copy of Service Book of Shri Shalinder Sharma, Assistant Director, DRI, New Delhi in 1990 as well as his present status & posting.</p> <p>2. If, Shri Shalinder Sharma is retired, please give his resident / present address.</p> | <p>Officer named Shalinder Sharma was never on the rolls of Revenue Headquarters. Hence, no information is available.</p> | <p>CPIO has denied information deliberately. Mr. Shalinder Sharma was Assistant Director, Directorate of Revenue Intelligence at Delhi Zonal Unit, New Delhi who had issued Show cause Notice that relates to import. The Bill of entry relates to ICD Delhi which was under Collector of Customs, New Delhi, copy of Show cause Notice is annexed with my RTI Application.</p> <p>FAA is requested to provide me information from CPIO at the earliest as requested in Point 1 & 2.</p> |
| <p>3. Please inform the name and status of officers who were the officers in the Ministry of Finance or any other Govt.Post or Cabinet Secretary etc.</p> | <p>You are requested to make payment of Rs.30/- in the form of Demand Draft/banker's Cheque/Indian Postal Order in favour of Pay and Accounts Officer, Department of Revenue payable of New Delhi or deposit the amount in cash with RTI Cell, Department of Revenue for providing 15 pages of name and designation of officers presently posted in the Revenue Headquarters.</p> | <p>CPIO has not understood my Query No.3. I have asked for name & status of officers who were in the Ministry of Finance or any other Govt. Post or Cabinet Secretary etc. in 1990-91 not at present.</p> <p>FAA is requested to get information from CPIO at the earliest to avoid further delay.</p> |
| <p>Acknowledgement Appeal ID No. S-1691(C) Dated:09.02.2015</p> | |  S.P. Goyal (Appellant) |

Encl:

1. RTI Application File No. S-1691(C)/8953956 dt. 31.12.2014 posted on dated 01.01.2015
2. Certified copy of Order No. F.No.A.50050/16/2015-Ad.I dated 23.01.2015 received on dated 05.02.2015

S P Goyal

103A Krishna Chambers
59 New Marine Lines
Mumbai 400 020 (India)
Tel: 022-22624562 / 22661684
Fax: 022-22624587
Mobile: +91-9820239110
E-mail: spgoyal@rocketmail.com

File No. S-1691(C)/8953

Date: 31/12/2014

Central Public Information Officer
In the office of Chairman
Central Board of Excise & Customs
North Block
New Delhi-110 001.

Dear Sir,

Sub: Information under Right to Information Act, 2005

I enclose herewith Postal Order No. 10F 861025 dated 09.12.2014 of Rs.10/-. Please fill up your name or account number yourself. Further enclosed herewith copy of Show Cause Notice issued by Shri Shri Shalinder Sharma, ADRI, New Delhi. Please give me the following information:

1. Please provide copy of Service Book of Shri Shalinder Sharma, Assistant Director, DRI, New Delhi in 1990 as well as his present status & posting.
2. If, Shri Shalinder Sharma is retired, please give his resident / present address.
3. Please inform the name and status of officers who were the officers in the Ministry of Finance or any other Govt.Post or Cabinet Secretary etc.

I hope to hear soon or within prescribed period and format as per Right to Information Act, 2005.

Thanking you.
Yours faithfully


S.P. GOYAL

Encl:

1. Postal Order No. 10F 861025 dated 09.12.2014 of Rs.10/-.
2. Copy of Show Cause Notice issued by Shri Shalinder Sharma, ADRI, New Delhi.

14.12.31-RTI-CPIO,Chairman,CBEC,ND-S.1691(C) [],doc/



S-1691(C)/8953

<mailto:SP.CHIEF@PI>

EPI608055050IN

Counter No.1,CP-Code:NAK

TO:CENTRAL PUBLIC INFORMATION OFFICER,

FROM:SHRI SHALINDER SHARMA,

ADRI, NEW DELHI.

dt:26/12/2014

Ant:37.00 - 01/01/2015 - 11:14

Taxes:Rs.4.00XTrack on www.indiapost.gov.in>>

*If Citizen does not oppose injustice and crime then he is encouraging it.
If we are not part of solution then we are problem*

DIRECTORATE OF REVENUE INTELLIGENCE

DELHI ZONAL UNIT

6TH FLOOR: PARYAVARAN BHAVAN

C.G.O. COMPLEX: NEW DELHI

DRI.F.NO.23/5/90-DZU

Dated: 10 -4-1991

Subject: Addendum to Show Cause Notice issued
from DRI.F.NO.2375/90-DZU dated 27.2.91.

The following additions are hereby being incorporated
in the said show cause notice-

A) After para 5 which starts with M/s.Indian Petro
Chemical Ltd. on page 2 and ends with 'you may convey our
comments to DRI accordingly' on page 3, following para 5(a)
is being inserted.

Para 5 (a): In response to summons dated 26.2.90, M/s.World
Wide Cargo Care Pvt.Ltd. in their letter No.
Ref.WOC:DLIH 145:90 dated 29.3.90 submitted
that they were giving the details which were
received from their Principals C.M.A.. The
details as given in their letter are reproduced
below:

1. "B/L's issued by OMA's agents in Barcelona, Spain,
on the basis of instructions received from
booking freight forwarding company, declared
that freight was payable at destination and that
cargo description was "ACRYLIC STAPLE FIBRE
COMMERCIAL QUALITY BRIGHT".

2. Cargo shipped M.V. Ville Le Neptune 9514 EX BCN,
vessel's port calls after Barcelona were Le Havre/
Rotterdam/Hamburg/Felystowe/Antwerp/Marseille/
Naples/Jeddah/Mina qaboos where cargo was dis-
charged. It then connected with relay vessel ~~Vila~~
De Dypai 2110 from Mina qaboos to Bombay.

3. The spanish freight forwarding company withdrew
the containers themselves from empty stock of
OMA in Barcelona, presented them to shippers
premises and returned them full to quay Barcelona
in readiness for shipment. No bond was issued,
as is the local common practise. Exporter loaded
containers themselves.

4-6. Freight upto Bombay was (as mentioned in point
(1) above) initially declared by Spanish forwarder
to be collect. However, U.K. based shipper
chose to pay freight to OMA U.K. agents in Brad-
ford U.K., M/s. Liner shipping Agencies. It was
Liner Shipping who amended O.B/L's in U.K. to
read Freight Prepaid and also the cargo descri-
ption to read "SYNTHETIC WASTE/SCOT QUALITY WIRE
PREDOMINANCE OF ACRYLIC STAPLE FIBRE WITH WIDE
VARIATIONS IN LENGTH AND LENGTH CONTAINING BOTH
DRAB AND UNDRAB FIBRES" on the basis of U.K.
shippers instruction.

In general, we wish to say that the practise of
a shipper arranging exports from a country other
than that of their business address is not
uncommon.

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Also, CMA and our agents have acted purely on instructions received from exporters or their agents, with all documents being issued on the basis of instruction received, and as indicated on B/L's themselves "DESCRIPTION OF MARKS, PACKAGES AND GOODS AS STATED BY SHIPPER. SHIPPERS LOAD STOW AND COUNT".

These details are based on telex dated 27th Feb., 1990 send by M/s. World Wide Cargo Care to M/s. CMA and the reply received from M/s. CMA on 1.3.90.

From the foregoing it appears that in case of import of goods in 13*20' containers vide Bill of Lading No. BCN/001758, the B/L was issued by CMA's agent in Barcelona on the basis of instructions received from booking freight forwarding Co. declaring that freight was payable at destination and that cargo description was "Acrylic Staple Fibre Commercial Quality Bright". This cargo shipped per M.V. Ville-De-Nepoune 9514 EX Barcelona reached Mina Jabocs where cargo was discharged and then connected with relay Vessel Ville Le Lubai 2110 from Mina Jabocs to Bombay. The containers were stuffed in shipper's premises in Barcelona. It is evident that freight upto Bombay was initially declared by Spanish forwarders as collect, however, U.K. based shipper choose to pay freight to CMA U.K. agents in Bradford U.K., M/s. Liner Shipping Agencies. It is also obvious that it was liner shipping who amended the description on bill of lading to read as "Synthetic Waste/Soft quality with predominance of Acrylic Staple Fibre with wide variation in Denier and length containing both drawn and undrawn fibres" on the basis of U.K. shipper's instructions. It is significant to note that the description of goods as given initially in the bill of lading i.e. "Acrylic Staple Fibre Commercial Quality Bright" tallies with the actual markings on labels found on the bales at the time of examination of goods under Panchanama and also with the findings of test report.

B) After para 6 on page 4, following para 6 (a) is being inserted.

Para 6 (a) In view of the letter dated 26.2.90 of M/s. World Wide Cargo Pvt. Ltd. and telex dated 1.3.90 of M/s. CMA to M/s. World Wide Cargo Pvt. Ltd. and telex dated 27.2.90 send by M/s. World Wide Cargo Pvt. Ltd. to M/s. CMA, it appears that goods in question were correctly described as 'Acrylic Staple Fibre Commercial Quality Bright' initially in the bill of lading no. BCN/001758 dt. 5.12.89 as this description tallies with the manufacturers' labels pasted on the bales of material imported vide B/E No. 110713 dt. 19.1.90 and also the findings of the test report dated 22.2.90 and later on with the connivance of U.K. shippers it was changed to read "Synthetic waste/soft waste with predominance of Acrylic Staple Fibre with wide variation in denier and length containing both drawn and undrawn Fibres". Therefore it appears that the goods in question do not merit duty free clearance under section 117/68 against Import-Export Pass Book and import licence No. P/E-CC02325 dated 29.9.89.

Shankar Sharma
(SHANKAR SHARMA)
ASSISTANT DIRECTOR

W34

Copy to:-

1. M/s. Sanjeev Woollen Mills, 863, Industrial Area A, Ludhiana-3.
2. Mr. S.F. Goyal, Partner, M/s. Sanjeev Woollen Mills, Ludhiana, 863, Industrial Area A, Ludhiana-141003.
3. Mr. K.K. Goyal, Partner, M/s. Sanjeev Woollen Mills, 863, Industrial Area A, Ludhiana-141003.
4. Mr. H.L. Goyal, Partner, M/s. Sanjeev Woollen Mills, 863, Industrial Area A, Ludhiana-141003.
5. Mr. Sanjeev Goyal, Partner, M/s. Sanjeev Woollen Mills, 863, Industrial Area A, Ludhiana-141003.
6. Additional Collector of Customs, Custom House, New Delhi
7. Notice Board, Custom House, C.R. Building, New Delhi.

Copy to 10/11/1971

16/11/71
16/11/71

[Signature]
(SHEKHAR SHARMA)
ASSISTANT DIRECTOR

F.No.A.50050/16/2015-Ad.I
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

New Delhi, the 25th January 2015

To
Shri S.P. Goyal,
103A, Krishna Chambers,
59, New Marine Lines,
Mumbai - 400 020

Subject: Information under RTI Act, 2005

Sir,

I am to refer to your RTI application dated 31.12.2014 addressed to CPIO in the O/o. Chairman, CBEC and CPIO/Under Secretary (RTI)'s O.M.F.No.50/2/2015/5839/RTI Cell dated 15.01.2015 on the subject cited above. The point-wise information, as per available records, in so far as Ad.I Section, Department of Revenue concerned, is as under:


Point 1 & 2: Officer named Shalinder Sharma was never on the rolls of Revenue Headquarters. Hence, no information is available.

Point 3 : You are requested to make payment of Rs.30/- in the form of Demand Draft/banker's cheque/Indian Postal Order in favour of Pay and Accounts Officer, Department of Revenue payable at New Delhi or deposit the amount in cash with RTI Cell, Department of Revenue for providing 15 pages of name and designation of officers presently posted in the Revenue Headquarters.

2. In case you are not satisfied with the reply, you may submit your appeal before the Appellate Authority within 30 days. The name and address of the Appellate Authority is as under:

Shri Ajay Kumar Nema,
Director (Hqrs.)/Appellate Authority
Room No.48-A/I,
North Block, New Delhi-I
Tel No.2309 2504

Yours faithfully,


(Rajinder Kumar)
Under Secretary (Ad.I) & CPIO

| | |
|----------|----------|
| RECEIVED | 05-02-15 |
| Date | 1691 (C) |
| File No. | 7273 |
| No.(In) | |
| No.(Out) | 17 |