

81-88-81

APPLICATION UNDER RIGHT TO INFORMATION ACT 2005

THE CPIO
CENTRAL BOARD OF INDIRECT TAXES & CUSTOMS
DEPARTMENT OF REVENUE, MINISTRY OF FINANCE GOI
NORTH BLOCK, NEW DELHI PIN CODE - 110001

1	Name of the Applicant	R. K. SHARMA
2	Father's Name	J. C. TYAGI
3	Communication Address	K-80, HAUZ KHAS ENCLAVE, NEW DELHI PIN CODE -110016
4	Information Requested	

Please provide me the following information point wise

- Dear sir,
- Kindly provide me copy of letter dated 20th June, 2017 of Jindal Steel Limited (JSL) enclosed along with Note No. Member (Admn.)/Misc. Corres. /01/2019/21 dated 23-06-2017 endorsed to Zonal Member Bhubaneshwar Shri Mahender Singh.
2. Copies of note sheets and correspondence in the above file number of the Member Administration where the letter dated 20th June 2017 received from Chairman and Note dated 23-06-2017 have been dealt with.
 3. Copy of letter dated 23-06-2017 as seen by Zonal Member and copies of notes and correspondences where the above letter has been dealt with.
 4. Copy of reply received from Chief Commissioner, Bhubaneshwar to letter dated 27-06-2017 from Member Shri Mahender Songh Zonal Member Bhubaneshwar.
 5. Any other letter received from the Chief Commissioner in June with regard to JSL.
 6. Copies of letter/e-mail dated 27-06-2017 and mail on 28-07-2017 and letter dated 20-06-2017 of Chief Commissioner Bhubaneshwar addressed to Shri Mahender Singh and endorsed to Chairperson, Member Administration, etc and action taken by all of them on this letter in their respective files. Copies of all these letters after having seen by the addressees/endorsees and copies of note sheets and correspondences of files where these have been dealt with.
 7. Copies of correspondence in the file number F. No. 296/41/201-Cx. 9 (CPGRAMS) including letter dated 26-07-2017 and reply received from Chief Commissioner, Bhubaneshwar.
 8. Name of the officer who received the above letter dated 26-07-2017 and whose directions inputs were sought. Copies of diary entries of this letter. Details of dispatch of letter dated 26-07-2017 i.e. dispatch number, mode of transmission.
 9. Reasons for forwarding letter dated 28th June of JSL after almost a month after its receipt i.e. 26-07-2017.
 9. Reasons in detail for delay in appointment of Mr Mahender Singh as Member CBEC and reasons his appointment later as Member. Was he of questionable integrity?

Note- Information is sought to be provided by registered post only
If whole information may not be provided, then it is requested to please provide me at least partial information as per the severability clause of section 10 of the RTI Act 2005.

I request you to follow Section 7(3) of the RTI Act 2005 for providing information/providing with photocopies of supporting documents related to the information requested above.

Below items (4.1 to 4.13) are for your kind information and consideration:
4.1 As per section 6(3) of the RTI Act 2005, In case, the requested information is held by another public authority, I request the PIO to transfer the application or part of it within FIVE days and immediately inform me about such transfer.

US (CX-9) / A4.I / A4.II

A
23/7/18

87926
29/10/2018

- 2 As per section 7(3) of the RTI Act 2005, **In case, there are further fee required to provide the requested information, I request the PIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.**
- 4.3 As per section 5(3) of the RTI Act 2005, **I request the PIO to provide assistance in getting the requested information.**
- 4.4 As per section 7(9) of the RTI Act 2005, **I request the PIO to provide the requested information in the form in which it is sought.**
- 4.5 As per section 7(1) of the RTI Act 2005, **I request the PIO to provide the requested information within 30 days.**
- 4.6 As per section 7(8)(iii) and 7(3)(ii) of the RTI Act 2005, **I request the PIO to inform me of the particulars of First Appellate Authority.**
- 4.7 As per section 10(2) of the RTI Act 2005, **In case the requested information is exempt from disclosure by any other law, I request you to provide that part of the record which does not contain any information which is exempt from disclosure under RTI Act 2005.** FYI: "The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act "
- 4.8 As per section 7(8) of the RTI Act 2005, **In case of rejection of my application, I kindly request you to provide the reason for such rejection and not just quote a section of RTI. Also, I request you to provide the details of Appellate authority.**
- 4.9 As per section 8 (1) (j) of the RTI Act 2005, **"... the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person."**
- 4.10 As per section 8(2) of the RTI Act 2005, **"Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests."**
- 4.11 As per section 7(2) of the RTI Act 2005, **In case of no decision received within 30 days, the PIO shall be deemed to have refused the request.**
- 4.12 As per section 6(2) of the RTI Act 2005, **"An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him."**
- 4.13 As per section 7(6) of the RTI Act 2005, **"Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1)."**
- 4.14 As per section 19(5) of the RTI Act 2005, **"In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request"**

At the end, I may reasonably expect that, honorable PIO will honor the RTI Act and its clauses stated above while making decision on this RTI application so that, at least the wastage of time of higher authorities in further proceedings and Legal hassle could be avoided in appeal while discussing the same matter.

5	Declaration: I state that information sought does not fall within the restrictions contained in the Section 8 & 9 of the Act and to best of my knowledge it pertains to your office and I am a citizen of India.
6	Date: 14-07-2018
7	Enclosure: IPO No. 45F 611922

R.K. Sharma
(R. K. SHARMA)