

Before the Hon'ble First Appellate Authority (RTI)
Additional Commissioner of Customs
Commissioner of Customs (Port)
Kolkata Zone

Appeal No. of 2018

In the matter of:

Sangeeta Bansal,
Director of M/s Agarwal Graphics Machinery Pvt. Ltd.
R/o 108, Patparganj Industrial Area, Delhi - 91

.... Appellant

Vs

CPIO (RTI)
Chief Commissioner of Customs,
Kolkata Zone,
Kolkata

...Respondent

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Filed by
Sangeeta Bansal,
Director of M/s Agarwal Graphics Machinery Pvt. Ltd.
R/o 108, Patparganj Industrial Area, Delhi - 91

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**Before the Hon'ble First Appellate Authority (RTI)
Additional Commissioner of Customs
C/o Commissioner of Customs (Port)
Kolkata Zone,
15/1, Strand Road,
Customs House,
Kolkata - 700001**

Appeal No.....of 2018

In the matter of:

Appeal under Section 19(1) of the Right to Information Act, 2005 against deemed refusal of RTI Application filed on 24.03.2018

(i)	Name and address of the appellant	Sangeeta Bansal W/o Mr. Sanjay Bansal Director of M/s Agarwal Graphics Machinery (P) Ltd. R/o 108, Patparganj Industrial Area, Delhi -110091
(ii)	Name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;	The CPIO (RTI) Chief Commissioner of Customs Kolkata Zone, 15/1, Strand Road, Customs House, Kolkata
(iii)	Particulars of the order including number, if any, against which the appeal is preferred;	N.A. as the appeal relates to deemed refusal
(iv)	Brief facts leading to the appeal;	1. That the Appellant filed an application under RTI online portal on 24.03.2018 which was served to the learned Respondent on 29.03.2018 seeking the following information: Whether any amount is outstanding in respect of Settlement Commission's Final

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		<p>Order No. F-893/Cus/10-SC(PB) dated 11.08.2010 passed by Hon'ble Settlement Commission Principal Bench, New Delhi in respect of Show Cause Notice No. 04/KOL/APP/2008/114 dated 15.01.2009 issued by Additional Director General, Directorate of Revenue intelligence, Kolkata Zonal Unit, 8 House Chi Minh Sarani, Kolkata - 700071 and was answerable to Commissioner of Customs (Port), 15/1, Strand Road, Custom House, Kolkata.</p> <p>2. That despite the lapse of 30 days, the Appellant has not granted information sought in RTI Application dated 24.03.2018 and in other way, answer of said application has not given by the learned Respondent without any reason.</p> <p>3. That hence, aggrieved by the deemed refused to grant the information, the Appellant begs to prefer this appeal on the following amongst other grounds:</p>
(v)	if the appeal is preferred against deemed refusal, the particulars of the application, including number, date, name and address of the Central Public Information Officer to whom the application was made;	<p>RTI Application dated 24.03.2018 (served to Respondent on 29.03.2018 as per online Status)</p> <p>The CPIO (RTI) Chief Commissioner of Customs Kolkata Zone, 15/1, Strand Road, Customs House, Kolkata</p>
vi)	Prayer or relief sought;	The learned CPIO may be directed to provide the information sought by the Appellant in his RTI application dated 24.03.2018 forthwith.

SCN

Sanjay Kumar

<p>(vii)</p>	<p>Grounds for the prayer or relief;</p>	<p>A. Because the learned Respondent has gravely erred in not providing the information sought by Appellant contrary to Section 7 of the RTI Act, which stipulates that the CPIO and SPIO, as the case may be, on receipt of request shall, as expeditiously as possible and in any case within 30 days of the receipt of the request, either provides the information on reject the information.</p> <p>B. Because the learned Respondent has gravely erred in not providing the information and also not providing any reasons for the same</p> <p>C. Because the learned Respondent failed to appreciate that rejection to grant the information is contrary to the mandate of Section 7 of the RTI Act, 2005 which stipulates that the information which cannot be denied to parliament or state legislature shall also not be denied to the citizen.</p> <p>D. Because the denial of the information is also contrary to the dictum that for fair and unbiased disposal of any dispute all the information for and against the parties should be supplied.</p> <p>E. Because not providing the information is causing grave prejudice to the Appellant.</p> <p>F. Because the not providing information is otherwise also arbitrary and contrary to the provisions/spirit of the RTI.</p>
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		G. That the averments made above are mutually exclusive in the alternative and without prejudice to one another.
(viii)	Any other information, which the Chief Commissioner may deem necessary for deciding the appeal;	-
(ix)	Copies of documents attached	1. Copy of Online RTI Application. 2. Status of Application

VERIFICATION

I, Sangeeta Bansal W/o Sanjay Bansal, Director of M/s Agarwal Graphics Machinery (P) Ltd., R/o 108, Patparganj Industrial Area, Delhi -110091, do hereby declare that what is stated above is true to the best of my information and belief.

Verified today, the 25th day of May, 2018 at New Delhi.

Sangeeta Bansal

APPELLANT

New Delhi
Dated: 25.05.2018