

OFFICE OF THE FIRST APPELLATE AUTHORITY

(Appointed under Right to Information Act, 2005)

The Institute of Company Secretaries of India

ICSI House, C-36, Institutional Area, Sector-62

Noida – 201 309 (U.P.)

Appeal No. 7/2018

IN THE MATTER OF :

Ritesh Kolekar

15, Jaora Compound

Above Pooja Dairy

Opposite MY Hospital

Indore (MP) – 452 001

Appellant

Vs.

Central Public Information Officer

The Institute of Company Secretaries of India

'ICSI House'

22, Institutional Area, Lodi road

New Delhi – 110 003

Respondent

Date of Order : 21st June, 2018

ORDER

1. The Appellant has filed first appeal dated 14th May, 2018 (received by this authority on 22nd May, 2018) under section 19(1) of the Right to Information Act, 2005 against information provided vide letter Ref.No. RTI 2005/2034(18) dated 7th May, 2018 by the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. In this appeal, the Appellant has informed that the Respondent has provided incomplete information on unreasonable grounds. The Appellant has further informed that the Respondent has denied to provide the names of the members of the Executive Committee of the Institute authorized for acquisition of the property at Indore. The Appellant has also informed that the Respondent has not provided the guidelines to be complied with for acquisition of any immovable property of the Institute and the compliances which were complied with for acquisition of the property.
3. The Respondent on the other hand had informed the Appellant that the disclosure of information would endanger the life or physical safety of any person or identify the source of information, thus is exempted under Section 8(1)(g) of the RTI Act, 2005.

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4. The Respondent has further informed that the matter under appeal is sub-judice in the Hon'ble Court of law for the rights/ claims over the subject property and the information cannot be provided.
5. The Respondent has further referred the case decided by CIC vide CIC/SB/A/2016/000129 dated 19th Jan 2017 to substantiate the above.
6. This authority has carefully examined the application, the reply, the appeal and the records made available in the matter.
7. On first prayer of the Appellant, this authority is of the view that the names of the members of the Executive Committee should be provided to the Appellant and directs the Respondent accordingly to furnish the information.
8. On prayer two of the Appellant, this authority finds substance in the submission advanced by the Respondent. As per earlier precedents, CIC has decided against sharing of information on matters which are sub-judice. Accordingly, this authority finding merit in the submissions of the Respondent, accepts the submissions of the Respondent and dismisses prayer two of the Appellant.
9. Further, this authority does not find any merit in prayer three and prayer four of the Appellant and therefore, both are dismissed in toto.
10. A copy of this order be served to both the parties and published on the website of the Institute.

The appeal is accordingly disposed off.

Ankur Yadav)

First Appellate Authority

Copy to :

1. Ritesh Kolekar
15, Jaora Compound
Above Pooja Dairy
Opposite MY Hospital
Indore (MP) - 452 001
2. Mr. Ashok Kumar Dixit
Central Public Information Officer
The Institute of Company Secretaries of India
ICSI House, 22, Institutional Area
Lodi Road
New Delhi - 110 003
3. Directorate of IT For publishing on the website