

BEFORE THE FIRST APPELLATE AUTHORITY  
(Under the Right to Information Act, 2005)  
The Institute of Company Secretaries of India  
ICSI House, 22 Institutional Area, Lodi Road  
New Delhi

Appeal No. 01/16

IN THE MATTER OF

Shri Amit Sharma  
Flat No. 218, MIG Flats  
Suraj Apartments  
Pul Prahladpur  
New Delhi- 110044

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 : 21<sup>st</sup> March, 2016

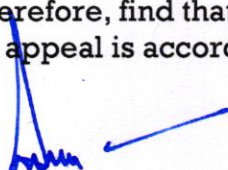
ORDER

1. The Appellant had filed an application dated December 16, 2015, under the Right to Information Act, 2005 (hereinafter referred to as "RTI Act") before the Central Public Information Officer (hereinafter referred to as "Respondent") at the Headquarters of the Institute. The Respondent vide letter dated January 11, 2016, responded to the appellant. The Appellant has filed this appeal dated February 1, 2016 (received at the Institute on February 4, 2016), against the said response.
2. In this appeal, the Appellant stated that he had made an application under RTI Act, 2005 to the Respondent to seek certain information vide letter dated 16<sup>th</sup> December, 2016 and the Respondent should be directed to release information as requested vide RTI application dated 16<sup>th</sup> December 2016. Further the Appellant has requested for exemption from payment of any fee payable on account of default on the part of Respondent to supply information on time.
3. I note that an opportunity was given by the Appellate Authority to the Appellant vide communication dated 23<sup>rd</sup> Feb 2016 for personal appearance on 7<sup>th</sup> March

2016 to make submissions and for submitting a Letter of Authority signed by Ms Pooja. The Appellant has not availed the opportunity of personal submission nor has submitted the Letter of Authority signed by Ms Pooja.

4. I note that Respondent has sent in written submission on the issues raised in the appeal dated 1<sup>st</sup> February 2016. In the response the Respondent has submitted that as per Section 11(1) of RTI Act, a letter dated 22<sup>nd</sup> Dec 2015 was written to Ms Pooja asking for her consent for disclosure. As no response has been received Section 8(1)(j) of RTI Act has been invoked by Respondent. The Respondent has further denied that the Appellant and his wife Ms Pooja are one and the same person and as per law the husband and wife are separate entities and may represent each other, only if, they have a letter of authority from the other party.
5. I note that Appellate Authority office has waited beyond the 7<sup>th</sup> March 2016 (date of hearing) to receive any submission / Letter of Authority of Pooja from the Appellant through post / any other means. Subsequently, I have carefully considered the application, the response and the appeal and from the records made available to me, I find that the matter has to be decided based on the material available on record.
6. From the appeal, I note that the Appellant is aggrieved by the Respondent's response to his RTI application wherein he had sought certain information pertaining to Ms. Pooja.
7. Upon perusal of the appeal of the Appellant I have noted the claim of the Appellant that his being the husband of Ms Pooja, he cannot be treated as third party. Upon perusal of the submissions of the Respondent, I have noted that as per law the husband and wife are separate entities and may represent each other, only if, they have a letter of authority from the other party.
8. I have also noted that the Appellant has not used the opportunity provided to him for personal hearing and have not submitted the Letter of Authority from Ms. Pooja as sought vide Communication dated 23<sup>rd</sup> February, 2016 from the office of the Appellate Authority.

I, therefore, find that there is no need to interfere with the decision of the Respondent. The appeal is accordingly dismissed.

  
(Ankur Yadav)  
First Appellate Authority

**Copy to :**

**By Speed Post :1. Shri Amit Sharma  
Flat No. 218, MIG Flats  
Suraj Apartments  
Pul Prahladpur  
New Delhi- 110044**

**By Hand 2. Ms. Meenakshi Gupta  
Central Public Information Officer  
The Institute of Company Secretaries of India  
ICSI House, 22 Institutional Area  
Lodi Road  
New Delhi - 110 003**

**By Email 3. For publishing on website.**