

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. 27/2018

IN THE MATTER OF:

Monish Uppal
Optek House, 30/29, Third Floor,
East Patel Nagar, Delhi – 110 008

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 December, 2018

ORDER

1. The Appellant has filed first appeal dated 23rd November, 2018 under section 19(1) of the Right to Information Act, 2005 against information provided vide letter Ref.No. RTI 2005/2142(18) dated 25th October, 2018 by the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Respondent had informed the Appellant under RTI as below against

Query No. 2, 6 & 7 The data is not maintained in the desired Format

Query No. 3 This is not an information as defined under Clause (f) of Section 2 of the Right to Information Act 2005.

Query No. 4 The data is not maintained in the desired Format. The Appellant can refer Annual Report published by ICSI from time to time

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3. In the Appeal, the Appellant has given grounds for the Appeal against which the respondent has issued written response as below :

Ground of Appeal from the Appellant

Reply of Respondent on the Appeal

Point No. 1

ICSI maintains a detailed data on all the complaints received from time to time and is further publishing the orders as passed in the disciplinary proceedings on its website.

The authority can only provide information which is available with it under the Right to Information Act, 2005 and CPIO is not supposed to create the information that is not a part of the records.

Point No. 2

ICSI being a public body is bound to share the methodology in dealing with disciplinary complaints as a transparent working is for the benefit of all stakeholders.

CPIO is not required to interpret information or furnish replies to hypothetical questions.

Point No. 3,4 & 5

The Appellant has sought the requisite information in any format.

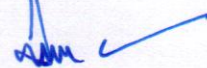
CPIO has reiterated the reply under RTI. Further CPIO is not supposed to create information that is not a part of the record.

As per the decision of the Honourable Supreme court of India in SLP No (C) No 7526/2009 "...the Act does not cast an obligation upon the public Authority to collect or collate such non-available information and then furnish it to an Applicant."

4. This Office has carefully considered the application, the response, the appeal and the records made available and finds that the matter can be decided based on the material available on record.

5. This office concurs with submissions of the Respondent.

The appeal is accordingly dismissed.


(Ankur Yadav)

First Appellate Authority

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Copy to:

1. Monish Uppal
Optek House, 30/29, Third Floor,
East Patel Nagar, Delhi - 110 008
2. Mr. Surya Narayan Mishra
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