

OFFICE OF THE FIRST APPELLATE AUTHORITY
(Appointed under the 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. 151/2020

IN THE MATTER OF:

Sharad Kumar Jhunjunwala
A-11 Ashok Vihar
Ranchi- 834002
Jharkhand

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: 16th December, 2020

ORDER

1. The Appellant has filed first appeal on 6th December, 2020 under Section 19(1) of the Right to Information Act, 2005 in connection with query Ref. No. RTI 2005/4782(20) dated 25.05.2020 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Appellant vide his application dated 25.05.2020 has requested to provide information through RTI.
3. The Appellant has informed in the instant appeals that "No response within the Time Limit".
4. The reply of the Respondent against the instant appeals is as under:-

" Please refer our earlier written submissions given before Hon'ble FAA w.r.t. RTI applications RTI-4687, RTI-4688, RTI-4704, RTI-4705, RTI-4719, RTI-4720, RTI-4724, RTI-4725, RTI-4731, RTI-4733 and RTI-4739 dated 16.09.2020 (Annexure -A) and the order issued by Hon'ble FAA in these matters vide order numbers 127/2020, 130/2020 & 132/2020 to 140/2020 dated 21.09.2020 (Annexure -B).

Our earlier written submission given before Hon'ble FAA w.r.t. RTI application RTI-4787 dated 02.06.2020 (Annexure -C) and the order issued Hon'ble FAA in this matters vide order number 149/2020 dated 07.12.2020 (Annexure -D).

A complaint letter submitted before Hon'ble Central Information Commission (CIC) on 14.09.2020 (Annexure -E) and advise given by Hon'ble CIC vide their letter dated 09.10.2020 (Annexure -F).

In view of the forgoing, the appeals deserves to be dismissed in-limine.”

5. This office has noted that in the complaint to CIC various rulings of the Hon'ble Supreme Court of India, High Court, and Central Information Commission on misuse of RTI Act have been quoted by the respondent. Further, the Respondent has claimed that more than 500 queries during pandemic has been received from the Appellant which is a fit case for the CIC to consider.
6. 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.
7. This Office concurs with the submissions of the Respondent.

The appeal is accordingly dismissed.

Sd/-
(Ankur Yadav)
First Appellate Authority

Copy to :

1. Mr. Sharad Kumar Jhunjhunwala
A-11 Ashok Vihar
Ranchi- 834002
Jharkhand

2. Mrs. Sarah Arokiaswamy
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

First Appellate Authority (Designated under the RTI Act, 2005)
The Institute of Company Secretaries of India

(Reference: RTI 2005/4782/(20) dated 25.05.2020, 1st appeal dated 06.12.2020 received in the ICSI on 06.12.2020 and Notice of 1st Appellate Authority dated 07.12.2020)

Mr. Sharad Kumar Jhunjhunwala
Central Public Information Officer, The ICSI

IN THE MATTER OF
Vs.

Appellant
Respondent

The written submission of the Respondent is as under:-

Please refer our earlier written submissions given before Hon'ble FAA w.r.t. RTI applications RTI-4688, RTI-4704, RTI-4705, RTI-4719, RTI-4720, RTI-4724, RTI-4725, RTI-4731, RTI-4733 and RTI-4739 dated 16.09.2020 (Annexure – A) and the order issued Hon'ble FAA in these matters vide order numbers 127/2020, 130/2020 & 132/2020 to 140/2020 dated 21.09.2020 (Annexure – B).

And our earlier written submission given before Hon'ble FAA w.r.t. RTI application RTI-4787 dated 03.12.2020 (Annexure – C) and the order issued Hon'ble FAA in this matters vide order numbers 149/2020 dated 07.12.2020 (Annexure – D).

And a complaint letter submitted before Hon'ble Central Information Commission (CIC) on 14.09.2020 (Annexure – E) and advise given by Hon'ble CIC vide their letter dated 09.10.2020 (Annexure – F).

In view of the forgoing, the appeals deserves to be dismissed in-limine.

Prayed accordingly.



Central Public Information Officer
The Institute of Company Secretaries of India

First Appellate Authority (Designated under the RTI Act, 2005)
The Institute of Company Secretaries of India

Reference:

- i. RTI 2005/46871/(20) dated 02.04.2020, 1st appeal dated 03.09.2020 received in the ICSI on 03.09.2020 and Notice of 1st Appellate Authority dated 08.09.2020
- ii. RTI 2005/46881/(20) dated 02.04.2020, 1st appeal dated 24.08.2020 received in the ICSI on 24.08.2020 and Notice of 1st Appellate Authority dated 27.08.2020
- iii. RTI 2005/47041/(20) dated 06.04.2020, 1st appeal dated 03.09.2020 received in the ICSI on 03.09.2020 and Notice of 1st Appellate Authority dated 08.09.2020
- iv. RTI 2005/47051/(20) dated 06.04.2020, 1st appeal dated 02.09.2020 received in the ICSI on 02.09.2020 and Notice of 1st Appellate Authority dated 03.09.2020
- v. RTI 2005/47191/(20) dated 14.04.2020, 1st appeal dated 05.09.2020 received in the ICSI on 05.09.2020 and Notice of 1st Appellate Authority dated 08.09.2020
- vi. RTI 2005/47201/(20) dated 14.04.2020, 1st appeal dated 05.09.2020 received in the ICSI on 05.09.2020 and Notice of 1st Appellate Authority dated 08.09.2020
- vii. RTI 2005/47241/(20) dated 14.04.2020, 1st appeal dated 05.09.2020 received in the ICSI on 05.09.2020 and Notice of 1st Appellate Authority dated 08.09.2020
- viii. RTI 2005/47251/(20) dated 14.04.2020, 1st appeal dated 05.09.2020 received in the ICSI on 05.09.2020 and Notice of 1st Appellate Authority dated 08.09.2020
- ix. RTI 2005/47311/(20) dated 18.04.2020, 1st appeal dated 06.09.2020 received in the ICSI on 06.09.2020 and Notice of 1st Appellate Authority dated 08.09.2020
- x. RTI 2005/47331/(20) dated 18.04.2020, 1st appeal dated 06.09.2020 received in the ICSI on 06.09.2020 and Notice of 1st Appellate Authority dated 08.09.2020
- xi. RTI 2005/47391/(20) dated 18.04.2020, 1st appeal dated 06.09.2020 received in the ICSI on 06.09.2020 and Notice of 1st Appellate Authority dated 08.09.2020

CONSOLIDATED WRITTEN SUBMISSION IN THE MATTER OF

Mr. Sharad Kumar Jhunjhunwala

Appellant

Vs.

Central Public Information Officer
The Institute of Company Secretaries of India

Respondent

The reply of the Respondent against the above-mentioned appeals is as under:-

It is to inform you that Mr. Sharad Kumar Jhunjhunwala, an ex-employee of the ICSI has submitted total 46 RTI applications out of which 42 applications were during the nationwide lockdown period i.e. from 02.04.2020 to 02.06.2020 comprising of more than 500 queries. Some of such queries are repetitive and covering almost whole of the Institute. Apparently, he is misusing and abusing the RTI Act and the entity created thereunder i.e. the Public Authority in a blatant fashion as a tool of vendetta and mischief against his erstwhile employer. He has been trying to overwhelm with the queries with the system during this critical period when the Institute is functioning with bare minimum staff and resources to provide services to its members and students amidst severe constraints. The deluge of RTI applications in a very short span is having a serious and impracticable impact on the functioning of the Public Authority. The officials of various Directorates of the Institute are bogged down with the non-productive work of collecting and furnishing information instead of focusing on their core duties, leading to huge wastage of public time and resources.

In view of the above, it is evident that he is using RTI Act just as a tool of vendetta against the Institute for personal vengeance for which the Institute feels that Mr. Jhunjhunwala is defeating the purpose of RTI Act and for that purpose, he has gone to an extreme length to make a mockery of entire process of RTI Act, for his self-interest to harass the public authority. Through these frivolous RTI applications and 1st appeals, Mr. Sharad Kumar Jhunjhunwala is just putting the Public Authority under undue pressure by harassing the functioning and manpower of the Institute and misusing the RTI Act by filing frequent and repetitive RTI applications.

It is also stated that the complaint against him has also submitted to Hon'ble FAA vide our supplementary submission dated 29.04.2020 against the 1st appeals in the matters of RTI 3052, RTI 3874 and RTI 3875 and a complaint letter has also submitted to Hon'ble Central Information Commission (CIC) on 14.09.2020. All the relevant documents are attached herewith for your ready reference.

Therefore, the appeals deserves to be dismissed in-limine.

Prayed accordingly.

Sarah Deokiazwan

Central Public Information Officer
The Institute of Company Secretaries of India

OFFICE OF THE FIRST APPELLATE AUTHORITY
(Appointed under the 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. 127/2020, 130/2020 & 132/2020 TO 140/2020

IN THE MATTER OF:

Sharad Kumar Jhunjhunwala
A-11 Ashok Vihar
Ranchi- 834002
Jharkhand

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 September, 2020

ORDER

1. The Appellant has filed eleven appeals, against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India, under Section 19(1) of the Right to Information Act, 2005 in connection with query Ref. No. :-
 - i. RTI 2005/4687/(20) dated 02.04.2020, 1st appeal no. 132/2020 dated 03.09.2020
 - ii. RTI 2005/4688/(20) dated 02.04.2020, 1st appeal no. 127/2020 dated 24.08.2020
 - iii. RTI 2005/4704/(20) dated 06.04.2020, 1st appeal no. 133/2020 dated 03.09.2020
 - iv. RTI 2005/4705/(20) dated 06.04.2020, 1st appeal no. 130/2020 dated 02.09.2020
 - v. RTI 2005/4719/(20) dated 14.04.2020, 1st appeal no. 134/2020 dated 05.09.2020
 - vi. RTI 2005/4720/(20) dated 14.04.2020, 1st appeal no. 135/2020 dated 05.09.2020
 - vii. RTI 2005/4724/(20) dated 14.04.2020, 1st appeal no. 136/2020 dated 05.09.2020
 - viii. RTI 2005/4725/(20) dated 14.04.2020, 1st appeal no. 137/2020 dated 05.09.2020
 - ix. RTI 2005/4731/(20) dated 18.04.2020, 1st appeal no. 138/2020 dated 06.09.2020
 - x. RTI 2005/4733/(20) dated 18.04.2020, 1st appeal no. 139/2020 dated 06.09.2020
 - xi. RTI 2005/4739/(20) dated 18.04.2020, 1st appeal no. 140/2020 dated 06.09.2020
2. The Appellant vide his applications dated 03.09.2020 (two), 24.08.2020 (one), 02.09.2020 (one), 05.09.2020 (four) & 06.09.2020 (three) has requested to provide the various information.
3. The Appellant has informed in all eleven appeals that "No response within the time Limit".

4. The reply of the Respondent against the above-mentioned appeals is as under:-

"Mr. Sharad Kumar Jhunjhunwala, an ex-employee of the ICSI has submitted total of 46 RTI applications out of which 42 applications were during the nationwide lockdown period i.e. from 02.04.2020 to 02.06.2020 comprising of more than 500 queries. Some of such queries are repetitive and covering almost whole of the Institute. Apparently, he is misusing and abusing the RTI Act and the entity created thereunder i.e. the Public Authority in a blatant fashion as a tool of vendetta and mischief against his erstwhile employer. He has been trying to overwhelm with the queries the system during this critical period when the Institute is functioning with bare minimum staff and resources to provide services to its members and students amidst severe constraints. The deluge of RTI applications in a very short span is having a serious and impracticable impact on the functioning of the Public Authority. The officials of various Directorates of the Institute are bogged down with the nonproductive work of collecting and furnishing information instead of focusing on their core duties, leading to huge wastage of public time and resources.

In view of the above, it is evident that he is using RTI Act just as a tool of vendetta against the Institute for personal vengeance for which the Institute feels that Mr. Jhunjhunwala is defeating the purpose of RTI Act and for that purpose, he has gone to an extreme length to make a mockery of entire process of RTI Act, for his self-interest to harass the public authority. Through these frivolous RTI applications and 1st appeals, Mr. Sharad Kumar Jhunjhunwala is just putting the Public Authority under undue pressure by harassing the functioning and manpower of the Institute and misusing the RTI Act by filing frequent and repetitive RTI applications.

It is also stated that the complaint has also submitted to Hon'ble FAA vide our supplementary submission dated 29.04.2020 against the 1st appeals in the matters of RTI 3052, RTI 3874 and RTI 3875 and a complaint letter has also submitted to Hon'ble Central Information Commission (CIC) on 14.09.2020. All the relevant documents are attached herewith for your ready reference."

5. This office has noted that in the complaint to CIC various rulings of the Hon'ble Supreme Court of India, High Court, and Central Information Commission on misuse of RTI Act have been quoted by the respondent. Further, the Respondent has claimed that more than 500 queries during pandemic has been received from the Appellant which is a fit case for the CIC to consider.
6. 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.
7. This Office concurs with the submissions of the Respondent.

The appeal is accordingly disposed of.

Sd/-
(Ankur Yadav)
First Appellate Authority

Copy to :

1. Mr. Sharad Kumar Jhunjhunwala
A-11 Ashok Vihar
Ranchi- 834002
Jharkhand

2. Mrs. Sarah Arokiaswamy
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

First Appellate Authority (Designated under the RTI Act, 2005)
The Institute of Company Secretaries of India

(Reference: RTI 2005/4787/(20) dated 02.06.2020, 1st appeal dated 24.11.2020 received in the ICSI on 24.11.2020 and Notice of 1st Appellate Authority dated 26.11.2020)

Mr. Sharad Kumar Jhunjhunwala
Central Public Information Officer, The ICSI

IN THE MATTER OF
Vs.

Appellant
Respondent

The written submission of the Respondent is as under:-

It is to inform you that Mr. Sharad Kumar Jhunjhunwala, an ex-employee of the ICSI has submitted total 46 RTI applications out of which 42 applications were during the nationwide lockdown period i.e. from 02.04.2020 to 02.06.2020 comprising of more than 500 queries.

In this regard, a complaint letter has also submitted to Hon'ble Central Information Commission (CIC) on 14.09.2020. Referred complaint letter is attached as Annexure - A.

The above-mentioned facts have also mentioned in our earlier written submission against the 1st appeal matters of Mr. Sharad Kumar Jhunjhunwala on 16.09.2020 and thereafter, Hon'ble First Appellate Authority has issued an order in favour of the CPIO on 21.09.2020. Referred order is attached as Annexure - B.

Therefore, the appeals deserves to be dismissed in-limine.

Prayed accordingly.



Central Public Information Officer
The Institute of Company Secretaries of India

OFFICE OF THE FIRST APPELLATE AUTHORITY
(Appointed under the 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. 149/2020

IN THE MATTER OF:

Sharad Kumar Jhunjunwala
A-11 Ashok Vihar
Ranchi- 834002
Jharkhand

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: 7th December, 2020

ORDER

- i. The Appellant has filed first appeal on 24th November, 2020 under Section 19(1) of the Right to Information Act, 2005 in connection with query Ref. No. RTI 2005/4787(20) dated 02.06.2020 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Appellant vide his applications dated 02.06.2020 has requested to provide the various information of ICSI Employees provident fund trust.
3. The Appellant has informed in the instant appeals that "No response received, hence this appeal".
4. The reply of the Respondent against the instant appeals is as under:-

"It is to inform you that Mr. Sharad Kumar Jhunjunwala, an ex-employee of the ICSI has submitted total 46 RTI applications out of which 42 applications were during the nationwide lockdown period i.e. from 02.04.2020 to 02.06.2020 comprising of more than 500 queries.

In this regard, a complaint letter has also submitted to Hon'ble Central Information Commission (CIC) on 14.09.2020. Referred complaint letter is attached as Annexure -A.

The above-mentioned facts have also mentioned in our earlier written submission against the 1st appeal matters of Mr. Sharad Kumar Jhunjunwala on 16.09.2020 and thereafter, Hon'ble First

Appellate Authority has issued an order in favour of the CPIO on 21.09.2020. Referred order is attached as Annexure –B.

Therefore, the appeals deserves to be dismissed in-limine.”

5. This office has noted that in the complaint to CIC various rulings of the Hon'ble Supreme Court of India, High Court, and Central Information Commission on misuse of RTI Act have been quoted by the respondent. Further, the Respondent has claimed that more than 500 queries during pandemic has been received from the Appellant which is a fit case for the CIC to consider.
6. 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.
7. This Office concurs with the submissions of the Respondent.

The appeal is accordingly dismissed.

Sd/-
(Ankur Yadav)
First Appellate Authority

Copy to :

1. Mr. Sharad Kumar Jhunjunwala
A-11 Ashok Vihar
Ranchi- 834002
Jharkhand

2. Mrs. Sarah Arokiaswamy
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

Date: September 14th, 2020

To,

Dr. Satbir Bedi
The Secretary,
Central Information Commission
CIC Bhawan, Baba Gangnath Marg
Munirka, New Delhi - 110 057

Subject:- Complaint against one RTI applicant (Mr. Sharad Kumar Jhunjhunwala) for misuse of RTI Act, 2005 - Reg.

Respected Sir,

The Institute of Company Secretaries of India (ICSI), set up by an Act of Parliament, namely, The Company Secretaries Act, 1980, is a Statutory body which functions under the administrative jurisdiction of Ministry of Corporate Affairs, Government of India, for the regulation and development of the profession of Company Secretaries across India.

This is to inform you that Mr. Sharad Kumar Jhunjhunwala, an ex-employee of the ICSI has submitted total 46 RTI applications out of which 42 applications were during the nationwide lockdown period i.e. from 02.04.2020 to 02.06.2020 comprising of more than 500 queries (All these RTI applications are attached herewith for your ready reference). Some of such queries are repetitive and covering almost whole of the Institute. Apparently, he is misusing and abusing the RTI Act and the entity created thereunder i.e. the Public Authority in a blatant fashion as a tool of vendetta and mischief against his erstwhile employer. He has been trying to overwhelm with the queries with the system during this critical period when the Institute is functioning with bare minimum staff and resources to provide services to its members and students amidst severe constraints. The deluge of RTI applications in a very short span is having a serious and impracticable impact on the functioning of the Public Authority. The officials of various Directorates of the Institute are bogged down with the non productive work of collecting and furnishing information instead of focusing on their core duties, leading to huge wastage of public time and resources.

In view of the above, it is evident that he is using RTI Act just as a tool of vendetta against the Institute for personal vengeance for which the Institute feels that Mr. Jhunjhunwala is defeating the purpose of RTI Act and for that purpose, he has gone to an extreme length to make a mockery of entire process of RTI Act, for his self-interest to harass the public authority. Through these frivolous RTI applications and 1st appeals, Mr. Sharad Kumar Jhunjhunwala is just putting the Public Authority under undue pressure by harassing the functioning and manpower of the Institute and misusing the RTI Act by filing frequent and repetitive RTI applications. Therefore, there must be punitive action against him so that he would never misuse the laws for harassing the Institute.

In view of the above, and in the interests of justice, it is most respectfully prayed that your good office may be pleased to pass appropriate order against Mr. Sharad Kumar Jhunjhunwala to refrain him to abuse the entire purpose of law.

You are also requested to pass such further order(s) as may be deemed fit and proper under the facts and in the circumstances of the case.

Thanking you,

Yours faithfully,

Sarah Arokiaswamy

(Sarah Arokiaswamy)
Joint Secretary/Central Public Information Officer
Ph. No. 011-45341068
Email ID:- sarah.arokiaswamy@icsi.edu

Copy to:-

- Secretary, The ICSI, ICSI House, 22, Institutional Area, Lodi Road, New Delhi - 110003
- First Appellate Authority (RTI), 3rd Floor, C-36, Sector-62, NOIDA, Uttar Pradesh - 201309.
- Mr. Sharad Kumar Jhunjhunwala, A 11 Ashok Vihar, Ranchi, Jharkhand - 834002, Contact No. 9560800381, Email ID. sharad1983111@gmail.com

**Vision**

"To be a global leader in promoting good corporate governance"

Motto

सत्यं तदा वर्यं धनम्। Speak the truth, abide by the law.

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"To develop high calibre professionals, facilitating good corporate governance"

Connect with ICSI

ICSI House, 22, Institutional Area, Lodi Road, New Delhi - 110003
Tel: 011-45341068 Fax: 011-45341069 Email: info@icsi.edu Website: www.icsi.edu



CENTRAL INFORMATION COMMISSION
CIC Bhawan, Baba Gangnath Marg,
Munirka, New Delhi- 110067.
Tele: 011 – 26182594
<https://dssic.nic.in/online-link-paper-compliance/add>

File no: CIC/Registry-ICVN/Misc./ICSI

Dated: 09.10.2020

The Joint Secretary/ CPIO,
The Institute of Company Secretaries of India
ICSI House, 22,
Institutional Are, Lodi Road
New Delhi-110003


Attention: Shri. Sarah Arokiaswamy

Sub: Complaint against RTI applicant - Mr. Sharad Kumar Jhunjhunwala - for
misuse of RTI Act, 2005.

Sir,

Please refer to your letter dated 14th Sep, 2020 (D. No- 126950 dated 14-09-20) on the subject.

2. The matter was placed before the Hon'ble Information Commissioner (VN) for consideration. In this connection, you are advised that you may bring the above matter to the notice of the Information Commissioner, as and when any case of the said applicant is listed for hearing in the Commission, when appropriate directions may be issued by the Commission.


(A.K. Assija)
Deputy Registrar

