

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. 15/2020

IN THE MATTER OF:

Vivek Karnani
72, Sanatan Mistri Lane, P.O. Salkia
West Bengal

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 : 24th April, 2020

ORDER

1. The Appellant has filed first appeal on 26th March, 2020 under Section 19(1) of the Right to Information Act, 2005 against response issued vide letter Ref. No. RTI 2005/3100(20) dated 24.03.2020 by 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 25.02.2020 had requested to provide the copies of answer books pertaining to his appearance in December, 2019 session of CS Examinations.
3. The Respondent vide letter dated 24.03.2020 issued the response to the Appellant wherein it was advised to send the requisite fee applicable under the RTI Act.
4. The Appellant has informed in the instant appeal that "I request to please mail me the answer script in PDF only and I am unable to pay for the hard copy as it would not be feasible to waste another 112 rupees as well as the paper on such printing."
5. The Respondent has informed against the instant appeal that the earlier reply stands and has further informed as under :

"The information sought by applicant (appellant herein) is not maintained in the digital format, therefore, we regret our inability to provide the same in digital format. However, fee for additional documents had been informed to the applicant on RTI portal of DOPT, Central Government of India, for which the applicant should have paid to obtain additional documents.

Further, even if we were able to provide the information in digital format, despite that, the RTI applicant would have to pay the fee for requisite information as per the Right To Information Act, 2005 read with Rule 4 of RTI Rules, 2012.

It is also pertinent to mention that as per notifications issued by the Government of India; we are still in national lockdown and have to take preventive measures to contain the spread of Novel Coronavirus (COVID-19) and waiting for the lockdown to end and get back to normalcy of regular office work, and therefore, even if the applicant had deposited the fee, nevertheless, he would have to wait till the end of national lockdown since the requisite information is available only in hardcopies and the same is in office where we are not allowed to go due to national lockdown and the offices are still not open completely for all the employees. "

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. However, the Respondent is directed to forward the copies of answer books to the Appellant after the prevailing situation in the country is normalised on compliance with all formalities by the Appellant.

The appeal is accordingly disposed of.

Sd/-

(Ankur Yadav)

First Appellate Authority

Copy to :

1. Mr Vivek Karnani

72, Sanatan Mistri Lane, P.O. Salkia

West Bengal

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