

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. 02/2023

IN THE MATTER OF:

Ajay Kumar Gupta
C 25, Nizamuddin East
New Delhi-110013

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: 3rd February, 2023

ORDER

- (1) The Appellant has filed first appeal on 07.01.2023 under Section 19(1) of the Right to Information Act, 2005 in connection with response Ref. No. RTI 2005/5430/(22) dated 06.01.2023 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute.
- (2) The Appellant vide his RTI application dated 09.12.2022 has requested to provide the information of Sheetal & Co. registered under Membership No.: F10780 & CP No.: 15204.
- (3) The Appellant has informed in the instant appeal that "CPIO seems to have treated the information as third party despite the fact that the information is concerned with the commercial details (which cannot even be termed secret) of an organisation and involves no personal information that may cause any harm or injury to the third party. The details only regarding registration / enrollment are being sought. Looking into the fact that the CS Sheetal is also a candidate in the election of some of your bodies, it is imperative that she be open to public scrutiny and should have had no inhibition in sharing the sought information which reveals no inside trade secrets of the organisation. Further the attention of the CPIO / FAA is brought to the Section 2(f) of the RTI Act that clearly states that information means any information relating to any private body which can be accessed by a public authority under any other law for the time being in force. It is a matter of fact that various publications of ICSI carry the enrollment details of its members. Thus the information sought cannot be concealed stating being a third party information. FAA is requested to consider the quoted submissions and ensure supply of sought information in a complete transparent manner".

- (4) The reply of the Respondent against the instant appeal is as under: -

Since the information as sought by applicant (appellant herein) is relating to the third party, hence, in accordance to Section 11(1) of the Right to Information Act, 2005, a letter was written to the third party (i.e. Ms. Sheetal) inviting her to make submission(s), as to whether the information as sought by the applicant (appellant herein) should be disclosed or not.

Third party (i.e. Ms. Sheetal) has given her submission wherein she has informed not to disclose the information as sought by the applicant (appellant herein). Therefore, as per the provision of Section 8(1)(j) of the Right to Information Act, 2005, the information sought cannot be provided.

- (5) 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.
- (6) This Office concurs with the submission of the Respondent. **The disclosure of information to the Appellant has been declined by Ms. Sheetal, hence, the information sought cannot be provided.**

The appeal is accordingly disposed of.

Sd/-
(Ankur Yadav)
First Appellate Authority

Copy to :

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3. Directorate of IT - For publishing on the website