

**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. 322/2023**

IN THE MATTER OF:

Akash Sharma  
9, Weston Street,  
3rd Floor, Suite No. 312  
Siddha-700013

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: 26<sup>th</sup> September, 2023

**ORDER**

- (a) The Appellant has filed first appeal No. ICSOI/A/E/23/00322 on 02.09.2023 under Section 19(1) of the Right to Information Act, 2005 in connection with response Ref. No. ICSOI/R/E/23/12367 dated 03.08.2023 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute.
- (b) The Appellant vide his RTI application dated 21.07.2023 has requested to provide the various information as listed below:
1. Has the ICSI issued any legal notice/letter to Dr. Kumar Vishwas in the month of April 2023 till 21st day of July 2023?
  2. If the answer to the above question is affirmative, kindly provide the date on which the ICSI took the decision to issue legal notice/letter to Dr. Kumar Vishwas.
  3. Please provide a copy of the resolution in which it was decided that the ICSI will issue legal notice/letter to Dr. Kumar Vishwas.
  4. If available, kindly share the true copy of the legal notice/letter sent to Dr. Kumar Vishwas.
- (c) The Appellant has informed in the instant appeal that "Refused access to Information Requested".
- (d) 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, therefore, as per the provisions of the RTI Act, 2005, the information pertaining to third party was declined and exempted under section 8(1)(j) of the RTI Act, 2005.

Further, it may be noted that the reply against the RTI application was sent on 03.08.2023 and the 1st appeal dated 02.09.2023 received in the Institute on 02.09.2023, therefore, without going into the merit of the appeal, it is observed that the appellant has preferred this 1st appeal after the prescribed period for preferring an appeal (i.e. within 30 days from receipt of reply of RTI application) under Section 19(1) of the RTI Act, 2005.

Therefore, the appeal deserves to be dismissed in-limine."

- (e) 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.
- (f) This Office concurs with the submission of the Respondent. It is observed that the appellant has preferred the 1st appeal after the prescribed period for preferring an appeal (i.e. within 30 days from receipt of reply of RTI application) under Section 19(1) of the RTI Act, 2005.

The appeal is accordingly disposed of.

Sd/-  
(Ankur Yadav)  
First Appellate Authority

Copy to :

1. Mr. Akash Sharma  
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Siddha-700013
2. Mr. Saidutta Mishra  
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3. Directorate of IT - For publishing on the website