

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, Sector-62, Institutional Area
Noida - 201 309 (U.P.)

Appeal No.363/2023

IN THE MATTER OF:

Shri DHEERAJ
New Delhi-110033

Appellant

Vs.

Central Public Information Officer (EXAM)
The Institute of Company Secretaries of India
C-37, Sector 62, NOIDA- 201309

Respondent

Date of Order: 20th October, 2023

ORDER

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/23/00363 on 22.09.2023 under Section 19(1) of the Right to Information Act, 2005 in connection with Response Ref No. ICSOI/R/E/23/12458 dated 19.10.2023 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 21.08.2023 has requested to provide the certified copies of answer sheets for CS Executive Examination held in June 2023 for the subjects: JURISPRUDENCE, INTERPRETATION & GENERAL LAWS (JIGL); COMPANY LAW (CL) ; TAX LAW (TL); SETTING UP BUSINESS ENTITIES AND CLOSURE(SBEC);CORPORATE AND MANAGEMENT ACCOUNTING (CMA); SECURITIES LAW AND CAPITAL MARKET (SLCM);FINANCIAL AND STRATEGIE MANAGEMENT (FSM); ECONOMIC ,BUSINESS AND COMMERCIAL LAW (EBCL) .
- (3) The Appellant has informed in the instant appeal that “No response within the time limit”.
- (4) The reply of the Respondent against the instant appeal is as under: -

“It is submitted that the Applicant (Appellant hereinafter) sought certified copies of his Answer Books for June 2023 examinations vide RTI Application ICSOI/R/E/23/12458 dated 21.08.2023.

2. The sought information could not be provided to the Appellant within the statutory period of 30 days as the said RTI Application was found unavailable in the CPIO (Exams.) account of RTI portal due to some technical issue of the portal which is being maintained by National Informatics Center, Govt. of India.

3. A screenshot of the “search “window of RTI Portal dated 18.10.2023 is attached to show the unavailability of the above mentioned RTI Application in CPIO account(screenshot attached).

A separate communication was started with the officials of National Informatics Center for the restoration of lost RTI Application (screenshot of correspondence attached).

Resultantly, the technical lapse has been resolved on 19.10.2023 and the above mentioned Application is routed back to the CPIO account.

4. Further, even though the stipulated time period within which the information sought is to be provided has already been expired, the CPIO is of the opinion that the Appellant should not be denied the information as he cannot be held responsible for this technical lapse.

5. Considering the above facts, the Appellant has now been provided with user id and password to access the information vide email dated 19.10.2023(copy of email attached) and the RTI Application in question has been disposed of and the reply has been sent to the Applicant (letter attached).

6. Furthermore, the CPIO may be excused for non-compliance as it happened due to a technical gap caused from the side responsible for managing and developing RTI portal.

The contents as above made in the RTI reply stands as it is and are candid”.

(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.

CPIO Exams has sought relief for non- compliance since the required information could not be provided to the Appellant within the statutory period of 30 days due to the technical lapse on RTI portal.

Further, the Respondent has now provided to the Appellant with user id and password to access the information vide email dated 19.10.2023.

However, if the Appellant still faces any issue in access of information, the Appellant may approach Respondent within 05 days of issue of this Order. In such case, Respondent is directed to provide the requisite support to the Appellant within 07 days of being approached.

The appeal is accordingly disposed of.

Sd/-

(Sonia Baijal)

First Appellate Authority

Copy to:

1. Shri DHEERAJ
New Delhi-110033
2. Central Public Information Officer (EXAM)
The Institute of Company Secretaries of India
C-37, Sector 62, NOIDA- 201309
3. Directorate of IT - For publishing on the website