

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.00003/2025

IN THE MATTER OF:

Mr. Rohit Kumar Tyagi
NEW ASHOKPURI DISTILLERY ROAD
KANKER KHERA, MEERUT CANTT,
U.P - 250001

Appellant

Vs.

Central Public Information Officer
The Institute of Company Secretaries of India
'ICSI House', 22, Institutional Area, Lodi Road,
New Delhi – 110003

Respondent

Date of Order: 06th March 2025

ORDER

(1) The Appellant has filed first Appeal- No. ICSOI/A/E/25/00003 on 15.02.2025 under Section 19(1) of the Right to Information Act, 2005 in connection with Response vide letter dated 06.02.2025 against the Central Public Information Officer (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.

(2) The Appellant vide his RTI Application No. ICSOI/R/E/25/00027 dated 16/01/2025 has requested the following information:

“With further reference to the attached ICSI Discipline Notice No.: (DC/NI/12/2023), clarify the followings facts:

1. Can CS Ashish Mohan, Secretary ICSI perform their duties on the direction of private PCS Firm CS Manish Gupta (RMG & Associates) as on 24.09.2023 on Sunday, when ICSI was closed???? Detail list is required on functioning of CS Ashish Mohan.
2. Why Anita Mehra Deputy Director discipline ignored my mail dated 10th Feb 2023 and considered CS Hemi Gupta, CS D.K Gupta, CS Deepak Sharma mails ??? dated March & April 2023.
3. What kind of action taken by ICSI discipline on their discipline notice to me as on dated 6th Nov 2023. If not, why ???????”

(3) The Appellant has submitted in his instant appeal with regards to the reply provided by the Respondent to the RTI queries as under:

“With further reference to the attached ICSI Discipline Notice: kindly confirm whether ICSI

Secretary CS Ashish Mohan perform their duties & function on the behalf of direction from Managing Partner of RMG & Associates (mail dated 24.09.2023). Secondly, please provide the proceedings initiated by ICSI Discipline Ms. Anita Mehra in ICSI Discipline Notice No. DC/Ni/12/2023 dt. 6th Nov 2023. Is any action taken by ICSI in this regard??"

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

““Our reply remains the same as provided in RTI Reply dated 06.02.2025.”

Written submission to query number 1: - Query is not clear.

Written submission to query number 2: - “This is not an information, therefore, not covered under Section 2(f) of the Right to Information Act, 2005.”

Written submission to query number 3: - “The letter referred in the RTI is part of information case DC/Ni/12/2023 in which Shri Rohit Tyagi is the Respondent and the said case is being dealt in accordance with the Company Secretaries Act, 1980 read with the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and conduct of Cases) Rules, 2007.”

Further, it is to inform that the “the public authority under the RTI Act, 2005 is not to create or collate information; or to interpret information. Therefore, the information which is readily available in the format/content can only be provided to the appellant and not as per the choice of the information seeker. The reply(ies) to the query(ies) cannot be created and designed in the manner and wish of the appellant.

Therefore, the contents made in the RTI Reply stands as it is and the appeal deserves to be dismissed.”

(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.

This office concurs with the submissions of the Respondent in his reply to the instant appeal.

The appeal is accordingly disposed of.

Sd/-

(Asit Kumar Rath)
First Appellate Authority

Copy to:

1. Mr. Rohit Kumar Tyagi
NEW ASHOKPURI DISTILLERY ROAD
KANKER KHERA, MEERUT CANTT,
U.P – 250001
2. Central Public Information Officer

The Institute of Company Secretaries of India
'ICSI House', 22, Institutional Area, Lodi Road,
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3. Directorate of IT - For publishing on the website