

**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. 000019/2026**

IN THE MATTER OF:

Aehsan Khan  
E-35, Vrundavan Society,  
Refinary Gowra Road,  
B/H Madhav Provision Store,  
Gujarat – 390 016

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: 22nd May, 2026

**ORDER**

- (1) The Appellant has filed first Appeal No. ICSOI/A/E/26/00019 on 27/04/2026 under Section 19(1) of the Right to Information Act, 2005 in connection with Response vide letter dated 27/04/2026 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/26/01296 dated 30/03/2026 has requested the following information:

“1) Regarding Professional Communication (Clause 8, Part I, First Schedule)  
(attached):

- a) Provide a certified copy of any ICSI guideline, circular, or Council decision that defines the Specific Format of communication required under Clause (8).
- b) Provide a certified copy of any document/policy that clarifies whether Communication requires a No Objection Certificate (NOC)

or if Proof of Delivery (e.g., Speed Post/Email) is sufficient for a new CS to accept an assignment.

- c) Provide a certified copy of the policy/guideline stating the Time Limit within which an exiting CS must respond to a communication from a newly appointed CS.
- d) Provide a certified copy of the guideline defining Undisputed Fees and whether a dispute over fees (or a demand for NOC fees) justifies an objection by the exiting CS.

2) Regarding Public Information & Evidence:

- a) Provide a certified copy of the Standard Operating Procedure (SOP) used by the Director (Discipline) to evaluate Information received for registering a case vs. filing it without action.
- b) Provide a certified copy of the policy/guideline that governs the admissibility of Electronic Evidence (MCA-21 downloads and email attachments) specifically in light of Section 63 of the Bharatiya Sakshya Adhinyam (BSA), 2023.

3) Regarding Engagement Letters & Professional Negligence:

- a) Provide a certified copy of the guideline specifying if an Engagement Letter is mandatory for non-audit services (e.g., routine ROC filings).
- b) Provide a certified copy of any internal guideline or disciplinary precedent where the payment of Additional Fees (penalties) to the MCA due to a CS delay was categorized as Gross Negligence under Item (7), Part I of the Second Schedule of the CS Act, 1980."

4) Regarding Procedural Fairness & Criminality:

- a) Provide a certified copy of ICSI policy regarding Defective Complaints, specifically whether a complainant is allowed to rectify incorrectly cited misconduct clauses under Rule 5(5).
- b) Provide certified copy the policy regarding the Re-opening / Re-filing of a complaint that was withdrawn before the formal registration of the case, by the complainant without any settlement

or compromise or undue influence.

- c) Provide a certified copy of the guideline/circular stating whether ICSI directly refers cases involving Forgery (CS forges client signature to create a defective document & files it with an government body) or Extortion (demanding unlawful payment for issuing NOC & resigning as CS) to Law Enforcement Agencies (Police/SFIO)."

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

"Grounds for Appeal: Failure to provide 1) Certified Copies: In response to Queries 1, 2, 3, and 4, the CPIO provided URLs to large, generic PDFs (CS Act 1980, 2007 Rules, and 2023 Guidelines). Providing a web link to a generic public document does not fulfill a specific request for a Certified Copy of a record under Section 2(j)(ii) of the RTI Act. 2) Incomplete Information regarding SOPs (Query 2): The appellant specifically requested the Standard Operating Procedure (SOP) used by the Director (Discipline) to evaluate Information. The CPIO pointed to the CS Act and 2007 Rules. Statutory Rules are not SOPs. An SOP is an internal administrative manual/instruction for processing files, which is a distinct record under Section 2(f). 3) Evasive Response regarding Precedents (Query3b): The appellant sought a certified copy of guidelines or disciplinary precedents where Additional Fees (penalties)paid to the MCA were categorized as Gross Negligence. The CPIO provided a search link to the Disciplinary Orders database. Directing a citizen to perform independent legal research in a database containing thousands of orders is an abdication of the CPIOs duty to provide information held by the public authority. 4) Lack of Specificity on Procedural Fairness (Query 4): The CPIO provided a general link to the Act and Rules in response to specific queries regarding the policy on re-filing withdrawn complaints and referral guidelines for Forgery/Extortion. These specific internal policy records were not provided."

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

"Our reply remains the same as provided in RTI Reply dated 27.04.2026."

Further, FAQs on Chapter 5/ Suggestive Format of Intimation to be given to previous Incumbent published by ICSI. The documents are publicly available at: <https://stimulate.icsi.edu/practicingcompanysecretary/serviearea.html>

Furthermore, the Public Authority under the RTI Act, 2005 is not supposed to create information or to interpret information or to solve the problems raised by the applicants.

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/-

(Ashvini Kumar Srivastava)  
First Appellate Authority

Copy to:

1. Aehsan Khan  
E-35, Vrundavan Society,  
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2. Central Public Information Officer  
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'ICSI House', 22, Institutional Area, Lodi Road,  
New Delhi – 110003
3. Directorate of IT – For publishing on the website