

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.00050/2025

IN THE MATTER OF:

Mr. Ashish O Lalpuria
502, Zee Square, Opp Bank of Baroda
Vile Parle East,
Mumbai - 400057
Maharashtra

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 August 2025

ORDER

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/25/00050 on 26.07.2025 under Section 19(1) of the Right to Information Act, 2005 in connection with Response vide letter dated 11.07.2025 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/25/02091 dated 15/06/2025 has requested the following information:
- “Whether there is any ban/restrictions (in form of punishment or in violation of any rules etc.) on CS Ashish O. Lalpuria (Mem. No. F9381) from taking sessions for the students such as EDP / CLDP etc. across India?”
- (3) The Appellant has submitted in his instant appeal regarding the reply provided by the Respondent to the RTI queries as under:

“THE HUMBLE APPEAL OF THE APPELLANT ABOVE NAMED MOST RESPECTFULLY SHOWETH THAT: -

1. Being aggrieved by the reply dated 11.07.2025 received by the Appellant denying the information sought by the Appellant under the Right to Information Act by the Central Public Information Officer on the grounds narrated therein, the present Appellant challenges the denial of information on the facts, circumstances and the grounds narrated herein under.

2. The Appellant is a citizen of India and the original applicant seeking information under the Right to Information Act, 2005. The Appellant is a practicing company secretary registered with the Institute of Company Secretaries of India. The Respondent is the public authority as contemplated under the Right to Information Act, 2005 from whom the Appellant has sought information and the authority who has written to the Appellant the correspondence dated 11.07.2025 received by the Appellant refusing to divulge the information sought under the Right to Information Act, 2005.
3. The Brief facts of the case are as follows:
 - a) The present Appellant filed one application dated 15.06.2025 seeking information more specifically narrated therein. Hereto marked and annexed is a copy of the RTI application dated 15.06.2025 as **"Exhibit A"**.
 - b) On 11.07.2025 the RTI was disposed by the present respondent i.e. Central Public Information Officer of the Institute with the following reply –
"This is in form of query, thus not an information as per Section 2(f) of the RTI Act, 2005". Hereto marked and annexed is copy of the reply dated 11.07.2025 of the respondent refusing information under the act as **"Exhibit B"**.
 - c) The definition of "Query" as per Oxford Learner's Dictionary is "a question, especially one asking for information or expressing a doubt about something".
 - d) The definition of "information" as per Section 2(f) of the Right to Information Act, 2005 is *"means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force"*.
 - e) The information sought by the appellant vide its request dated 15.06.2025 clearly falls within the ambit and definition of "information" under Section 2(f) of the RTI Act, 2005, and is thus subject to disclosure under the provisions of the said Act.
 - f) Therefore, it is absolutely clear that the refusal of the CPIO is baseless and without any legal justification and reflects the mechanical refusal of information by the respondent.
4. Therefore, being aggrieved by the reply of the Central Public Information Officer of the Institute the Appellant files the present first appeal on the following amongst other grounds;

G R O U N D S

- i. The blatant act of the Respondent- Central Public Information Officer of the Institute in not supplying the required information to the present Appellant is illegal, void and without jurisdiction.
- ii. The reply is against the express provisions of the RTI Act.
- iii. The information sought for is squarely covered under the definition of information u/s 2(f) of the Act and therefor it casts a duty on the respondent to furnish the requested information.
- iv. That the question asked by the appellant is in a form of query as claimed respondent, the respondent fails to give any reason as to how the query is not covered under the definition of information as under section 19(5) of the Act, it is the duty of the CPIO to prove that the requested information is not covered

- under the provisions of Right to Information Act, 2005.
- v. That the respondent has patently erred in not providing the requested information, although the same is not covered by any of the exceptions disallowing the giving of the information of the Act.
 - vi. That the mechanical refusal of the information by the respondent is a direct violation of the Act thereby attracting penal actions section 20 of the Act.
 - vii. The reply of the respondent without affording the appellant an opportunity of being heard is in violation of principle of natural justice.
5. The present appellate authority has jurisdiction to deal with present matter under the facts and circumstances of the case.
 6. The present appeal is filed within time calculated from 11.07.2025 as the Appellant received the correspondence refusing the information sought under the RTI Act on 11.07.2025.
 7. Appropriate fee is being paid.
 8. The present Appellant most humbly seeks the permission of the present Hon'ble Authority to add, amend, delete and even replace any part of the present appeal memo or even the whole appeal memo if the need so arises.
 9. The Appellant therefore most humbly prays as under:
 - i. Admit the present appeal.
 - ii. Issue Notice to the Respondent in the present case.
 - iii. Call the Central Public Information Officer of the Institute to explain his acts in relation to the Right to Information Act;
 - iv. The Hon'ble Authority direct the respondent to supply the required information to the present Appellant.
 - v. The present respondent be penalised for not supplying the required information to the Appellant under the express provisions of the RTI Act.
 - vi. Any other relief be granted if found to be in the interest of justice, fairness and equity, but not asked for in the present appeal memo."

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

""Our reply remains the same as provided in RTI Reply dated 11.07.2025."

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. Ashish O Lalpuria
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Maharashtra
2. Central Public Information Officer
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New Delhi - 110003
3. Directorate of IT - For publishing on the website