

**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.00072/2024**

IN THE MATTER OF:

Mr. Sudhir Kumar Banthiya  
Avani Oxford Ph 2, 136 Jessore Road,  
Block 2, Flat 8F – 700055  
West Bengal

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: 19th August 2024

**ORDER**

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/24/00072 on 26.07.2024 under Section 19(1) of the Right to Information Act, 2005 in connection with Response vide letter dated 19.07.2024 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/24/08134 dated 21.06.2024 has requested to provide the following details for the travelling, lodging and other expenses for the employees and elected Central Council Members of ICSI since 01.04.2019, financial year wise up to 31.03.2024:
  - a) Details of the person who travelled including name of the person, designation and category (employee / elected member).
  - b) Date, mode of travel and nature of travel (Domestic / International).
  - c) Break up of total cost incurred with following bifurcation: - Travel / Local Conveyance / Accommodation / Refreshment / Others.
  - d) Category and Name of Hotel where accommodated, each travel wise.
- (3) The Appellant has submitted in the instant appeal with regards to the reply provided by the Respondent to the RTI queries as follows:
  - a) Non-Compliance with RTI Act Provisions:
    - The CPIO's response, indicating that the collation of requested information is scattered and thus cannot be provided, is contrary to the mandate of the RTI Act.

The Supreme Court in the case of **CBSE v. Aditya Bandopadhyay** (2011) 8 SCC 497 held that the public authority is obligated to provide information that is within its control and that reasonable efforts must be made to compile information from existing records, if necessary.

- The Central Information Commission (CIC) has consistently held that public authorities cannot deny information on the grounds that it is scattered or not compiled in the requested format. For instance, in **CIC/BS/A/2013/001563/4513**, the CIC directed the public authority to compile the requested information, emphasizing the duty to provide accessible records.

b) Misinterpretation of Obligations:

- The assertion that the RTI Act does not obligate the creation or collation of information as requested is a misinterpretation of the Act. The information sought pertains to financial expenditures involving public funds, which should be systematically recorded and readily available. As per *Institute of Chartered Accountants of India v. Shaunak H. Satya* (2011) 8 SCC 781, public authorities are required to provide information in a manner that promotes transparency and accountability.
- The requested information involves details of expenditures on travel and accommodation, which are typically documented in financial records. The refusal to provide this information undermines the transparency and accountability objectives of the RTI Act.

And has requested to

- direct the CPIO to provide the complete and accurate information as requested in the original RTI application.
- ensure that the CPIO adheres to the provisions of the RTI Act and facilitates access to the requested information.
- Take necessary actions to prevent such denials of information in future, ensuring that public authorities fulfil their obligations under the RTI Act.

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

“This is in reference to the 1<sup>st</sup> Appeal dated 26.07.2024 made by the Appellant against RTI Reply dated 19.07.2024. In this regard, the Appellant has sought information details for the travelling, lodging and other expenses for the employees and elected Central Council Members of ICSI since 01.04.2019, financial year wise up to 31.03.2024.

The Institute of Company Secretaries of India apart from Head Offices in Delhi and Noida, has about 79 offices / chapters spread over India. It is not possible to find out the information sought by going through several records in the above 81 offices in India. Hence, it is not possible to collate, create and design the information as per manner and wish of the Appellant.

Accordingly, query 1, 2 and 4 have been properly replied. Regarding query no. 3, requested information is not maintained as sought by the Appellant.

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

Prayed accordingly.”

- (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:

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