

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.453/2023

IN THE MATTER OF:

Ms. Sushma Goswami
45A, Sir Hari Ram Goenka Street, 4th.Floor,
Kolkata 700007

Appellant

Vs.

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

Respondent

Date of Order: 14th December, 2023

ORDER

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/23/00453 on 20.11.2023 under Section 19(1) of the Right to Information Act, 2005 in connection with Response Ref No. ICSOI/R/E/23/21263 dated 26.09.2023 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
- (2) The Appellant vide her application dated 01.09.2023 has requested to provide the examined answer sheets of CS Professional Examination held in June 2023 for the subjects: - SECRETARIAL AUDIT, COMPLIANCE MANAGEMENT AND DUE DILIGENCE, CORPORATE RESTRUCTURING, INSOLVENCY, LIQUIDATION AND WINDING - UP, RESOLUTION OF CORPORATE DISPUTES, NON - COMPLIANCES AND REMEDIES. MODULE - III SUBJECTS - CORPORATE FUNDING AND LISTINGS IN STOCK EXCHANGE, MULTIDISCIPLINARY CASE STUDIES, BANKING LAW AND PRACTICE
- (3) The Appellant has informed in the instant appeal that “Details not provided”.
- (4) The reply of the Respondent against the instant appeal is as under: -

“It is submitted that the requisite information as sought by the Applicant (Appellant hereinafter) in her RTI Application ICSOI/R/E/23/21263 dated 01.09.2023, was made available in public domain and was freely available without any cost at link <https://cc.icsi.edu>.

Further, the Appellant was informed about the said link and the procedure to fetch the information in response to her above mentioned RTI Application vide letter dated 26.09.2023(copy of letter enclosed). An announcement in this regard had also been published on the website of the Institute (copy of announcement attached).

Furthermore, in the instant Appeal the Appellant sought her certified copies of Answer Books once again. However, this is to inform that the certified copies were to be provided to the Appellant through the portal only after registration at link <https://cc.icsi.edu> which had not done by the Appellant.

It is also to submit that the Answer Books of the CS Examination, June 2023 have been disposed of in accordance with the Record Retention Schedule of Directorate of Examinations, ICSI and hence, the same cannot be provided. Record Retention schedule of the Institute is in public domain and available at Institute's website www.icsi.edu.

It is also to submit that the Appellant has filed the Appeal on 20.11.2023 in response to the information supplied to her on 26.09.2023 for his RTI Application No. ICSOI/R/E/23/21263 dated 01.09.2023 beyond the time limit as specified under Section 19(1) of the Right to Information Act, 2005

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.
- (6) The requisite information as sought by the Appellant was freely available in public domain without any cost at Link <https://cc.icsi.edu> as intimated by CPIO EXAM to the appellant vide communication dated 26.09.2023.

This Office concurs with the submission of the Respondent that since Answer books of CS Examination Session June 2023 have been disposed off in accordance with the Record Retention Schedule of Directorate of Examination of ICSI, hence the same cannot be provided now.

The appeal is accordingly disposed of.

Sd/-

(Sonia Baijal)
First Appellate Authority

Copy to:

- 1. Ms. Sushma Goswami
45A, Sir Hari Ram Goenka Street, 4th.Floor,
Kolkata 700007
- 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