

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.461/2023

IN THE MATTER OF:

Sh Girish Jayantilal Porwal
Plot No.45, 2nd Main 10th Cross,
Sadashivnagar,
Belgaum - 590001

Appellant

Vs.

Central Public Information Officer
The Institute of Company Secretaries of India
ICSI House 22, Institutional Area, Lodi Road
New Delhi - 110 003

Respondent

Date of Order: 20th January 2024

ORDER

(1) The Appellant has filed first Appeal- No. ICSOI/A/E/23/00461 on 23.12.2023 under Section 19(1) of the Right to Information Act, 2005 in connection with Response Ref No. ICSOI/R/E/23/25543 dated 22.11.2023 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.

(2) The Appellant vide his application dated 27.10.2023 has requested to provide the following information:

- 1) Can a Company Secretary conduct a Statutory Audit
- 2) What are all the list of services which a Company Secretary in practice can perform under Company Secretaries Act, 1980
- 3) As per Company Secretaries Act, 1980, can a Company Secretary scrutinize the Books of accounts and give a financial report
- 4) As per Company Secretaries Act, 1980, can a Company Secretary give a financial report
- 5) Whether the domain of scrutinizing the book of accounts comes under Company Secretaries Act 1980
- 6) Whether scrutinizing the books of accounts and giving a financial report amounts to misconduct as per Company Secretaries Act, 1980.

(3) The Appellant has informed in the instant appeal that “Refused access to Information requested”.

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

“Our reply remains the same as provided in RTI Reply dated 22.11.2023.”

Since the information as sought by applicant (appellant herein) is interrogative in nature and seeking clarification/opinion, therefore, not covered U/s 2(f) of the Right to Information Act, 2005.

Further, it may be noted that the reply against the RTI application was sent on 22.11.2023 and the 1st appeal dated 23.12.2023 received in the Institute on 23.12.2023, therefore, without going into the merit of the appeal, it is observed that the appellant has preferred this 1st appeal after the prescribed period for preferring an appeal (i.e. within 30 days from receipt of reply of RTI application) under Section 19(1) of the RTI Act, 2005. Request Disposed Off Letter along with reply is attached herewith for ready reference (Annexure – A).

Therefore, 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.

(6) The Office concurs with the submission of the Respondent as the appeal is time barred under Sec 19(1) of the RTI Act, 2005.

The appeal is accordingly disposed of.

Sd/-

(Sonia Baijal)

First Appellate Authority

Copy to:

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3. Directorate of IT - For publishing on the website