

**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.)**

**1<sup>st</sup> Appeal (Manual) dated 30.01.2025 received in the Institute on 06-02-2025**  
**(Ref.: RTI Application dated 30.12.2024 received in the Institute on 02.01.2025)**

IN THE MATTER OF:

Mr. Manjunath S  
S/o M Some Gowda, #A 16/1, 4<sup>th</sup> Cross,  
Brindavan Extension Mysore – 570020,  
Mobile:9964307595

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: 22<sup>nd</sup> February,2025

**ORDER**

- (1) The Appellant has filed first Appeal (Manual) dated 30.01.2025 received in the office of FAA on 06.02.2025 under Section 19(1) of the Right to Information Act, 2005 in connection with Response vide letter dated 27.01.2025 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 dated 30.12.2024 received on 02.01.2025 by the CPIO, ICSI has requested to provide information as follows:
  1. Land Allotment and Ownership Documents:
    - a. Copies of documents evidencing the allotment and ownership of the land for the ICSI Mysore Chapter building.
    - b. Details of the land use designation at the time of allotment (e.g. residential, industrial, or civic amenities site).
  2. Reason for Not Selecting a CA site:
    - a. Written justification or reasoning for not selecting a Civic Amenities (CA) site for constricting the ICSI Mysore Chapter building, as typically required for institutional purposes.
  3. Land use Conversion Approvals:
    - a. Copies of application and approvals received from Mysore Urban Development Authority (MUDA) or any other authorities for change in land use from residential to institutional or educational purposes.
  4. Building Plan Approvals:

- a. Copies of the building plans submitted to MUDA or relevant local authorities for construction of Chapter building.
  - b. Approvals or sanctions received for the construction of the Mysore Chapter building from MUDA or relevant local authorities.
5. Layout Plan Details:
  - a. A copy of the approved layout plan of the entire area where the ICSI Mysore Chapter building is located.
6. Completion Certificate:
  - a. A copy of the Completion Certificate issued for the Mysore Chapter building by the relevant local authority.
7. Environment Clearances:
  - a. Environment clearances certificate obtained for the development of the layout plan.
  - b. Environmental clearances certificate obtained for the construction and operation of the Mysore Chapter building.
8. Water Supply and Electricity Approvals:
  - a. Approvals obtained for water supply connection for the Mysore Chapter building from the concerned authorities.
  - b. Approvals obtained for electricity supply connection for the Mysore Chapter building from the concerned authorities.
9. Minutes of meetings and building Committee Details:
  - a. Minutes of the meetings of the ICSI Mysore Chapter Building Committee regarding the selection of the site and construction of the building.
  - b. Reasons recorded for selecting the remote area of the land for the construction of the Mysore Chapter building.
  - c. Names and roles of the members of the Building Committee involved in the decision – making process.

- (3) The Appellant has submitted in the instant appeal that the denial of the information citing **Sections 8(1)(d), 8(1)(e), and 8(1)(g)** of the RTI Act is not valid and requested to:
1. Direct the CPIO to provide the requested information/documents as per his RTI application.
  2. Provide detailed justification for any further denial of information, ensuring compliance with the provisions of the RTI Act, 2005.

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

**“With reference to query no. 1:-**

1.1 The applicant / appellant is seeking ownership documents of ICSI Mysore Chapter building which are exempted under section 8(1) (d) of the RTI Act and therefore cannot be provided. Further, the Hon'ble CIC in its decision dated 1<sup>st</sup> September, 2016 passed in case no. F. No. **CIC/KY/A/2015/000029-YA** has held that registered sale deed (or any other registered document) is not a public document but a private document. Hence, the ICSI is under no obligation to provide its private document i.e., ownership document (registered sale deed) of the ICSI Mysuru Chapter.

1.2 Land Use is decided by the competent local civic body of the area concerned. Such civil body provides the Land Use to the user person in in the fiduciary relation. Further, there is no larger public interest warranting the disclosure of Land Use provided by the civic body. Hence, the information sought is exempted under section 8(1)(e) of the RTI Act and therefore cannot be provided.

**With reference to query no. 2:**

The RTI Act, under Section 2(f), defines information as material in any form, including records, documents, opinions, memos, and other data held by public authorities.

Subjective reasons / justifications for the decision taken does not qualify as 'information' under this definition and therefore cannot be provided.

In the matter of **Dr. Celsa Pinto, Ex-Officio Joint Secretary, (School Education) vs. The Goa State Information Commission** [2008 (110) Bom L R 1238], the Hon'ble Bombay High Court held as under (copy attached):

*"..... In the first place, the Commission ought to have noticed that the Act confers on the citizen the right to information. Information has been defined by [Section 2\(f\)](#) as follows.*

*[Section 2\(f\)](#) -Information 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;*

*The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information. "Only such information is required to be supplied under the RTI Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.*

Hence, it is reiterated that collation of requisite information is not maintained in the desired form / format. Therefore, the same cannot be provided.

**With reference to query no. 3:-**

Land Use Conversion is decided by the competent local civic body of the area concerned. Such civil body provides the Land Use Conversion to the user person in the fiduciary relation. Further, there is no larger public interest warranting the disclosure of Land Use Conversion provided by the civic body. Hence, the information sought is exempted under section 8(1)(e) of the RTI Act and therefore cannot be provided.

**With reference to query no. 4:-**

Building plan is the intellectual property of the ICSI. Building plan and the approvals / sanctions received for the construction of the Mysore Chapter building from competent local civic body are available to the ICSI in his fiduciary relationship. Further, disclosure of Building plan and the approvals / sanctions would endanger the life or physical safety of the users of the Mysore Chapter building. Further, there is no larger public interest warranting the disclosure of these information.

Further, the applicant earlier also vide RTI application dated 13.03.2020 had sought Approved Building Plan of ICSI Mysore chapter. The same was replied by the ICSI as "information sought by you is exempted under section 8(1) (e) of the RTI Act and therefore cannot be provided". Copy attached.

Hence the information sought is exempted under section 8(1) (d), (e) and (g) of the RTI Act and therefore cannot be provided.

**With reference to query no. 5:-**

Applicant may approach the concerned authority i.e., MUDA.

Further, the applicant earlier also vide RTI application dated 13.03.2020 had sought MUDA Approved Layout Plan of ICSI Mysore Chapter Premises. The same was replied by the ICSI as "information sought by you is exempted under section 8(1) (e) of the RTI Act and therefore cannot be provided".

**With reference to query no. 6:-**

Building Completion Certificate received for the Mysore Chapter building from competent local civic body are available to the ICSI in his fiduciary relationship. Further, disclosure of Building Completion Certificate would endanger the life or physical safety of the users of the Mysore Chapter building. Further, there is no larger public interest warranting the disclosure of these information.

Further, the applicant earlier also vide RTI application dated 13.03.2020 had sought ICSI Mysore Chapter Building Completion Report/Certificate issued by MUDA. The same was replied by the ICSI as "information sought by you is exempted under section 8(1) (e) of the RTI Act and therefore cannot be provided".

Hence the information sought is exempted under section 8(1) (d), (e) and (g) of the RTI Act and therefore cannot be provided.

**With reference to query no. 7:-**

Such information is not available / maintained.

Only such information is required to be supplied under the RTI Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

Further **Hon'ble Supreme Court of India in its judgment passed in Civil Appeal No. 6454/2011 (CBSE Vs Adititya Bandopadhyay)** has held that where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant (Para 35). Copy attached.

Also, the **Hon'ble Karnataka High Court in its judgment passed in Writ Petition (C) No. 48376 OF 2018 (K.T. VISHWANATH Vs State Information Commission)** has held that under the provisions of the RTI Act, 2005 only such information that is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record, and PIO is not obliged to furnish information that is not accessible and available in his office. Copy attached.

**With reference to query no. 8:-**

Approvals obtained for water and electricity supply connection is provided by the competent local civic body of the area concerned. Such civil body provides such approvals to the user person in the fiduciary relation. Further, disclosure of Approvals obtained for water and electricity supply connection would endanger the life or physical safety of the users of the Mysore Chapter building.

Further, there is no larger public interest warranting the disclosure of Approvals obtained for water and electricity supply connection provided by the civic body.

Hence the information sought is exempted under section 8(1) (d), (e) and (g) of the RTI Act and therefore cannot be provided.

**With reference to query no. 9:-**

9(i) Minutes of the meetings of the ICSI Mysore Chapter Building Committee are with the ICSI in the fiduciary relation. Further, disclosure of minutes would endanger the life or physical safety of the members of the Committee.

Further, there is no larger public interest warranting the disclosure of minutes.

9(ii) & (iii) - Such information is not available / maintained.

Only such information is required to be supplied under the RTI Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

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*The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information*

In view of the forgoing, the appeal deserves to be dismissed in-limine."

- (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.

The appeal is accordingly disposed of.

(Asit Kumar Rath)  
First Appellate Authority

Copy to:

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