

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, Institutional Area, Sector-62,
Noida - 201 309 (U.P.)

Appeal No. 59/2021

IN THE MATTER OF:

Mr. Rajiv Kumar Adlakha
Company Secretary in Practice,
823, 8th Floor, Tower B4, Spaze i-Tech Park,
Sohna Road,
Gurgaon- 122 018

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: 14th September, 2021

ORDER

1. The Appellant has filed first appeal (Online) on 03.08.2021 under Section 19(1) of the Right to Information Act, 2005 in connection with RTI ICSOI/R/E/21/02054 dated 05.04.2021 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India. The response against the said RTI was given on 15.06.2021.
2. On request of the Appellant, 1st hearing was held virtually on 04.08.2021.
3. The written submissions of the Responded were made available to the Appellant on 17.08.2021.
4. The written submission of the Appellant was received on 23.08.2021.
5. On request of the Appellant, 2nd hearing on the matter was held virtually on Wednesday, i.e. 08.09.2021 at 11:00 am.
6. The Appellant Mr. Rajiv Kumar Adlakha, the Respondent CPIO and representative from Directorate of Discipline were present virtually at aforesaid date & time.

7. During the hearing, the Respondent submitted that the Appellant has already given his written submission, therefore, request of hearing should not have been acceded to.
8. Opportunity was granted to the Appellant to make his final submission.
9. From the submission made by Appellant it was noted that verbal submission made by him was same as written submission and the same was confirmed by the Appellant.

The current status of the complaint as provided by the Respondent to the Appellant is as below:

Email dated 27.02.2021 (complaint against CS Sudhanshu Mittal) sent by the Applicant / Appellant to the Secretary, ICSI and President, ICSI, was forwarded by the Secretary to the Director (Discipline) on 01.03.2021.

The complaint dated 24.02.2021 submitted by the Applicant / Appellant against CS Sudhanshu Mittal in the offices of President and Secretary were also forwarded to the Disciplinary Directorate which were received on 02.03.2021.

Allegations and grounds of the complaint submitted by the Applicant / Appellant in Offices of President and Secretary are very same of his complaint No. DC/587/2020 which he has filed earlier before the Disciplinary Directorate. Also the Appellant has made those complaints dated 24.02.2021, the part and parcel of aforesaid complaint No. DC/587/2020 dated 24.12.2020.

Hence, complaint dated 24.02.2021 and email dated 27.02.2021 have been tagged in complaint No. DC/587/2020 dated 24.12.2020.

Written statement dated 01.03.2021 of CS Sudhanshu Mittal, the Respondent received to the complaint No. DC/587/2020, was sent to the Applicant / Appellant vide letter dated 02.03.2021. The Applicant / Appellant has also filed his rejoinder dated 19.03.2021 to the written statement.

The complaint No. DC/587/2020 is at the stage of investigation.

From the written submission of the Respondent, it is found that the matter is under investigation. It is also noted that exemption under section 8(1)(h) of the RTI Act, 2005 has been sought, as the disclosure of the information would impede the process of investigation, apprehension and prosecution of offenders.

10. The period of 30 days as mentioned in the RTI Act for the disposal of the appeal has ended on 02.09.2021. On the request of the Appellant for hearing, 2nd hearing was granted to the Appellant on 08.09.2021.

11. 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. The Only issue before this office pertains to the exemption clause used by the Respondent under RTI Act.
12. This Office concurs with the submissions of the Respondent that Section 8(1)(h) has been rightly used.

The appeal is accordingly disposed of.

Sd/-

(Ankur Yadav)

First Appellate Authority

Copy to :

1. Mr. Rajiv Kumar Adlakha
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Sohna Road,
Gurgaon- 122 018

2. Mrs. Sarah Arokiaswamy
Central Public Information Officer
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