

**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. 69/2021**

IN THE MATTER OF:

Sharad Kumar Jhunjhunwala  
A-11 Ashok Vihar,  
Ranchi- 834002  
Jharkhand

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: 27<sup>th</sup> October, 2021

**ORDER**

1. The Appellant has filed first appeal on 05.10.2021 under Section 19(1) of the Right to Information Act, 2005 in connection with response Ref. No. RTI 2005/5137(21) dated 05.10.2021 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 10.09.2021 has requested to provide information through RTI.
3. The Appellant has informed in the instant appeals that "Provided Incomplete, Misleading or False Information".
4. The extract of reply of the Respondent against the instant appeal is as under:-

"It is stated that most of the extracts of minutes of the meetings of ICSI contains information which are relating to the sensitive matters i.e. students' and members' information/data, examinations, academics, Company Secretaries Act, 1980, etc. This information includes commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party and the disclosure of such information is not in larger public interest. Therefore, It is strongly urged that all this information squarely falls within the ambit of Section 8(1)(d) of the RTI Act and there are such information which contains the fiduciary relationship; the disclosure of such information is also not in larger public interest as per the Section 8(1)(e) of the RTI Act, 2005.

However, there are some of the extracts of the minutes of the meetings of the ICSI which have already been uploaded on the website of the ICSI for which there were no issue to upload for public.

Please refer the judgement dated 18.08.2020 of Hon'ble High Court of Delhi in the matter of W.P.(C) 11399/2016.

In view of the foregoing, the information cannot be provided and therefore, 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.
6. This Office concurs with the submission of the Respondent. Disclosure of information that would harm the competitive position of a third party and the disclosure of such information is not in the larger public interest is exempted under Section 8(1)(d) & Section 8(1)(e) of the RTI Act, 2005.

The appeal is accordingly dismissed.

Sd/-  
(Ankur Yadav)  
First Appellate Authority

Copy to :

1. Mr. Sharad Kumar Jhunjhunwala  
A-11 Ashok Vihar,  
Ranchi- 834002  
Jharkhand

2. Mrs. Sarah Arokiaswamy  
Central Public Information Officer  
The Institute of Company Secretaries of India  
ICSI House, 22, Institutional Area  
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3. Directorate of IT - For publishing on the website