

Select Language: English

Public Authorities Available

# RTI Online

Version 2.0  
An Initiative of Department of Personnel & Training, Government of India

[Home](#) [Submit Request](#) [Submit First Appeal](#) [View Status](#) [View History](#) NEW [Login](#) [User Manual](#) [Contact Us](#) [FAQ](#)

## Online RTI First Appeal Status Form

Note: Fields marked with \* are Mandatory.

Enter Registration Number	MOCAF/A/E/24/00005
Name	Debaprasad Bandyopadhyay
Received Date	12/01/2024
Public Authority	Ministry of Corporate Affairs
Status	APPEAL DISPOSED OF
Date of action	20/02/2024

**Reply :-** RTI Appeal No. MOCAF/A/E/24/00005, Name of Appellant Mr. Debaprasad Bandyopadhyay.

The present RTI appeal MOCAF/A/E/24/00005 has been preferred by the appellant Mr. Debaprasad Bandyopadhyay against the CPIO's reply dated 09/01/2024 stating that the CPIO has not provided the details and also stated the ground of appeal as "Provided Incomplete, Misleading or False Information". Pursuant to the appeal, I have perused the appeal and the reply furnished by the CPIO. Such perusal reveals that the RTI request dated 22/12/2023 was received by CPIO on 22/12/2023 and CPIO furnished reply to the same on 09/01/2024 .

2. Further, the information sought by the appellant in his RTI application requires interpretation of various law and hence is in the nature of seeking opinion or advice as such the same do not fall under the definition of "information" under the Act and hence the reply of CPIO is in accordance with the provisions of the RTI Act. The RTI applicant's query and reply of CPIO are as under:-

"Gist of RTI query:- Can company X occupy or acquire company Y, especially when the case on the ownership of Y is sub judice in the domestic court of law? If the answer to the above question is NO, while X still claims ownership of Y (by taking blanket stay order from the apex court), is it not a case of trespassing and/or adverse possession of Y by violating the Tort Law? Please advice me in this regard by supplying the necessary information as per the existing corporate laws.

CPIO's reply:- Reference to the captioned RTI application, your kind attention is invited decision of the Honble Supreme Court in CBSE v. Aditya Bandopadhyay, Civil Appeal No.6454 Of 2011. It is to state that a public authority is not required to furnish information which require drawing of inferences. It is also not required to provide advice or opinion to an applicant, nor required to obtain and furnish any opinion or advice to an applicant. The information asked is in a nature of seeking legal interpretation of statutory provisions and thus not an information under section 2(f) of the RTI Act, 2005. However, you may visit the said link:- <https://www.mca.gov.in/content/mca/global/en/acts-rules/ebooks.html> for the relevant Companies Act/ Rules/Circular/Notification.

3. Appellant has filed the present appeal stating that the CPIO has not provided the details.

4. From the question raised in the RTI application, it is apparent that the query raised by the RTI applicant in RTI Application is in the nature of asking question, which is not information within the meaning of section 2(f) of the RTI Act, 2005. Moreover, the CPIO can furnish only those information which is available and existing and not required to furnish information which require drawing of inferences and interpretation of statutes. Hence, I

am of the considered view that the CPIO has rightly replied to the appellant. Therefore, the appeal does not call for interference and accordingly disposed as dismissed.

(Atma Sah)

Joint Director, MCA

First Appellate Authority

20/02/2024

1. Mr. Debaprasad Bandyopadhyay, Anekanta, 23/1,, Joy Narayan Banerjee Lane,, Baranagar, Kolkata,

Pin:700036

2. CPIO, CL-V section, MCA,

3. Guard file

<b>First Appellate Authority Details :-</b>	Atma Sah Phone: 01123384628 atma[dot]sah[at]mca[dot]gov[dot]in
<b>Nodal Officer Details :-</b>	
<b>Telephone Number</b>	01123389782
<b>Email Id</b>	a[dot]ravindran[at]gov[dot]in

[Print RTI First Appeal](#)

[Print Status](#)

[Go Back](#)

[Home](#) | [National Portal of India](#) | [Complaint & Second Appeal to CIC](#) | [FAQ](#) | [Policy](#)

Copyright © 2023. All rights reserved. Designed, Developed and Hosted by National Informatics Centre, New Delhi on the instructions of DOP&T