

HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE

FORM - 'D
REJECTION ORDER
[See Rule 4(2)]

No. RTIA/DR-HCIND/ 6320

Indore, Dated 14th December, 2012

From:

The Deputy Registrar,
State Public Information Officer,
High Court of M.P., Bench at Indore.

To,

Mr. Sunil R. Sachdev,
3/3, Mathradas Colony,
Kalina, Santacruz (East),
Mumbai - 400 098.

Please refer to your application dated 19/10/2012 registered at our I.D. No. 28/2012-10, addressed to the undersigned regarding supply of information under Right to Information Act, 2005 about the copy of Daily Cause Lists of Advocate Preeti @ Sonia Keshwani / Aanchal Sachdev (Civil & Criminal) from 01/01/2007 to 15/10/2012 at this Bench Registry and the subsequent Memo No. RTIA/DR-HCIND/5971 dated 22/11/2012 of this authority requesting you to appear in person or through an agent authorized by you in this regard, before this Authority **on or before 03rd December, 2012** to show cause as to why the prayer for disclosure of desired information as per your above referred application be not rejected, treating the same as Third Party Information.

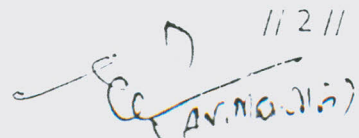
You were also informed that in the event of your failure to appear as above, the matter may be decided ex-parte having regard to the materials on record.

As already informed vide afore cited Memo dated 22/11/2012, the office of undersigned has received two identically drafted objections (in writing) dated 16/11/2012 and 19/11/2012 from Priti Keshwani, Advocate @ Mrs. Aanchal Sanjay Sachdev, R/o 66, Swaminarayan Street, M.G. Road, Indore (M.P.) taking exceptions to disclosure of information pertaining to her profession relying on provisions under Section 8(j) of Right to Information Act, 2005.

In order to arrive at a fair decision, Ms. Priti Keshwani was also requested like you were, to appear in person or through an agent authorized by her in this regard, before this Authority **on 22 or 23/11/2012** for her pleadings in support of her applications wherein reliance was placed upon provisions of Section 8(j) of Right to Information Act, 2005. She was informed alike that in the event of her failure to appear as above, the matter may be decided ex-parte having regard to the materials on record.

You were informed telephonically too, to appear before the undersigned on or before 03/12/2012 whereupon you expressed inability stating it to be a short notice & sought time somewhere between 12/12/2012 & 14/12/2012 which was granted in view of your telephonic request.

RTIA HCMP::pankaj//

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However, your letter dated 06/12/2012 is received by the undersigned on 12/12/2012 whereby **you stated that it is not possible for you to come to Indore** & requested to provide information as desired.

As per your aforesaid letter dated 06/12/2012, you have contended that since the Court & Insurance Companies are public organizations, therefore, the information desired by you pertaining to professional work of Ms. Priti Keshwani, Advocate before these organizations, is not covered under Section 8(j) of RTI Act, 2005.

As already informed, the matter is thus dealt in your absence & within a period of 30 days from your failure to appear on the given date i.e. 14/12/2012. The matter is, therefore, proceeded on the basis of materials on record i.e. your application under Right to Information Act, 2005 and the below mentioned documents adduced by Ms. Priti Keshwani:-

- 01- Applications dated 16 & 19/11/2012 taking objection to disclosure of information pertaining to her profession.
- 02- Copy of Order dated 03/02/2012 passed by this Hon'ble Court in W.P. No.891/2012 (Aanchal W/o Shri Sanjay Sachdev **V/s** (i) Central Information Commission, through Registrar, (ii) the Information Commissioner (DS) & (iii) Shri Sanjay S/o Radhakishan Sachdev).
- 03- Application dated 10/12/2012 received by the undersigned on 12/12/2012.

Ms. Priti Keshwani @ Mrs. Aanchal Sajay Sachdev, Advocate Indore has raised the following objections against the disclosure of desired information pertaining to her profession, relying upon the provisions of Section 8(j) of Right to Information Act, 2005:-

- I- By filing applications under RTI Act, 2005 in different offices, her husband and husband's brother Mr. Sunil R. Sachdev along with his family members, are torturing her with a view to spoil her career and social reputation.
- II- After her marriage with Mr. Sanjay R. Sachdev, she was not in Indore for two years but her name was **not** deleted from various records and still appearing in the cause list.
- III- After her shifting from Indore to Mumbai/Africa, the cases were allotted by the nationalized companies to some other Advocates but her name still appearing in those cases.
- IV- In various matters, she is appearing as an associate of other Advocate.
- V- In W.P. No.891/2012 (Aanchal W/o Shri Sanjay Sachdev **V/s** (i) Central Information Commission, through Registrar, (ii) the Information Commissioner (DS) & (iii) Shri Sanjay S/o Radhakishan Sachdev), Hon'ble High Court of M.P., Bench Indore granted stay against the disclosure of information pertaining to her profession.

Considering the aforesaid submissions/objections raised by Ms. Priti Keshwani, in writing and in person, and after recalling the undersigned's Memo No.RTIA/DR-HCIND/5880 dated 08/11/2012, the information as sought-for by you cannot be supplied due to following reasons:-

- (1) The information as sought-for by you pertains to the profession of Ms. Priti Keshwani @ Mrs. Aanchal Sajay Sachdev, Advocate, Indore and may be categorized as one of commercial confidence and that no larger public interest appears to warrant the disclosure of the information.
- (2) In view of the objections taken by Ms. Priti Keshwani @ Mrs. Aanchal Sajay Sachdev, Advocate, Indore against the disclosure of information pertaining to copy of Daily Cause Lists of Advocate Preeti @ Sonia Keshwani / Aanchal Sachdev (Civil & Criminal) from 01/01/2007 to 15/10/2012 at this Bench Registry, the information has thus turned into a "Third Party Information" and after serving a written notice to the third party, the latter (Ms. Priti Keshwani) has seriously objected in writing and verbally too, before the undersigned. Thus, the information is treated as confidential at the instance of the objector who has considered the said information as a reflection upon her personal life.
- (3) After treating the information as Third Party Information, it is considered by the undersigned that the disclosure of such information would harm the competitive position of the third party and is, therefore, exempted from disclosure.
- (4) Moreover, such information cannot be supplied under the Act as it does not exist in the desired format (cause list of one specific advocate) as applied and the undersigned is not supposed to create the information as per desire of the applicant. The authority can neither re-shape nor cull the information.
- (5) The subject matter of your application No. 28/2012-13 made under RTI Act, 2005 appears to be squarely covered under provisions of Section 8(j) of Right to Information Act, 2005 and therefore, the disclosure of which is considered exempted.
- (6) Though, the information applied by you, pertains to the professional work of Ms. Priti Keshwani, Advocate before public organizations, yet Section 8 of Right to Information Act, 2005 lays down that:-

"Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,- the following categories of information from (a) to (j)."

Section 3 of Right to Information Act, 2005 guarantees right to information to all citizens subject to the provisions of this Act and, therefore, your contention does not hold ground in view of these subjecting clauses of Right to Information Act, 2005.

Handwritten signature and initials in blue ink, possibly reading 'Pankaj'.

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- (7) The disclosure of the information as per your application does not stand justified in view of Guide on the Right to Information Act, 2005 issued by the General Administration Department, Govt. of M.P., Bhopal vide Circular dated 26/11/2009.

As per Section 19 of the Right to Information Act 2005, you may file an appeal to the Appellate Authority (Principal Registrar, High Court of M.P., Indore Bench) within 30 days of the issue of this order.

14/12/12
(A.V. MANDLOI)

DY. REGISTRAR
STATE PUBLIC INFORMATION OFFICER,
HIGH COURT OF M.P.
BENCH AT INDORE.

(O/C)