

**OFFICE OF THE APPELLATE AUTHORITY, under RTI Act,
HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE**

RTI Appeal No. 05/2023

Shri Shirish Oswal S/o Shri Dalichand Oswal -----Appellant
R/o Hall C-1, IInd Floor,
Old B.J. Market,
Jalgaon, Maharashtra
Pincode : 425001

VS.

Shri Rajesh Kumar Sharma, Joint Registrar (M)/
State Public Information Officer, High Court of M.P.,
Bench at Indore ----- Respondent

Order

(Delivered on 05nd January 2024)

This appeal has been preferred u/s. 19 (1) of the RTI Act., 2005 by the appellant Shri Shirish Oswal being aggrieved by the facts that Shri Rajesh Kumar Sharma, SPIO, High Court of M.P. bench at Indore, has knowingly and intentionally given incorrect, incomplete and misleading information and rejected his application made online on 28.10.2023.

The brief facts which led to filing this appeal is as under:-

Appellant Shri Shirish Oswal has sent an RTI application dated 28.10.2023 through online, requesting therein for providing following information:-

“Compliance of Company Court Rules, 1959 Rule 13(1) to (5) and Rule 37 in Company Petition No. COMP 30/2013 and documents/records of such compliance”.

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accepting the appeal SPIO be ordered to give information as requested in online application.

By filing written reply Respondent/SPIO has submitted that application filed by appellant has rightly been rejected by assigning proper reason thereof.

After perusal of complete record, it reveals that after receiving the application of appellant SPIO, Shri Rajesh Kumar Sharma proceeded through a note sheet dated 24.11.2023. It was found by him that such information does not exist in the desired format and he is not supposed to create, collect or collate any information. After filing of this appeal during the final argument it came to notice of undersigned that no register, as per Rule 13 (1) to (5) and Rule 37 of Company Court Rules has been maintained by the concerning section. Hence, a report in this regard through Deputy Registrar (M) was called an in turn, report has been submitted.

Vide report dated 03.01.2024 D.R.(M) has submitted that such register as required as per Rule 13 (1) to (5) is being maintained in the form of data entered in CMIS by concerned Section (Presentation Centre, D.A. concerned of the Company Petition Section & S.W. Section) and available in official website of High Court of Madhya Pradesh in relation to Company Petition 30/2013. It is also submitted by D.R.(M) that the order passed and direction issued by Hon'ble Court on 28.09.2015 in Company Petition No. 30/2013 were duly complied with by all concerned. In regard to compliance of Rule 37 it is submitted that as per this Rule every order, whether made in Court or in Chambers, shall be drawn of by the Registrar but, as per the Judgment passed in Bagheshwari Cotton Mills Ltd. Vs. Dhanrajmal, Govindram & Ors. AIR 1967, Cal, 595 drawing up of orders are required only on requisition has properly been made. In this regard paragraph 21 of the above judgment is worth mentioning as under:-

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“In our opinion, there is no repugnancy between the practice and procedure prevailing in this Court and the provisions of the Companies Act and the Companies (Court) Rules. Thus, although Rule 37(1) in Part I and Rule 111(1) in Part III of the Companies (Court) Rules require the Registrar of this Court to draw up the order, the provision as to requisition for the drawing up of such an order, as in Rule 27 in chapter XVI and Rule 71A in Appendix 7 of the Original Side Rules, does not stand excluded. In other words the Registrar shall draw up the order only on requisition properly made. The provisions of Rule 27 in Chapter XVI and Rule 71A in appendix 7, in our opinion, thus stand saved by the operation of Rule 6 of the Companies (Court) Rules. This view finds further support from the language of Section 448(1A) of the Companies Act which provides for exclusion of time requisite for obtaining a certified copy of the order in computation of the period of one month within which the petitioner must file the certified copy of the order to the Registrar of the Company.”

On the basis of comprehensive report submitted by D.R.(M) it is factually true that no register has been maintained as per Rule 13 (1) to (5) and no order has been drawn up as per Rule 37 of C.C. Rules 1959. It is also submitted that in the year 2007, computerization of High Court was made since then the maintaining of manual record has been stopped and all the data/information entered and maintained by Presentation Section and S.W. Section in CMIS software, which is equivalent to manual register. If the manual register is not maintained then the question for giving its copy does not arise and it is available to all on CMIS software from where it can be received.

As far as, drawn up of final order (decree) is concerned it is also not drawn up but as per paragraph 21 of the above judgment no requisition was properly made for drawing up the order it is also worth mentioning that as per Rule 8.1 of High Court of

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Madhya Pradesh (Right to Information) Rules, 2006 where any copy of the document can be received from Copying Section. No information can be sought through Right to Information Act, 2005.

In view of the above it is clear that information sought by appellant is not available in the form as it was sought by the appellant and SPIO has not made any mistake in rejecting the R.T.I. Application filed by the appellant.

Consequently, this appeal is dismissed. Copy of this order be sent to Principal Registrar, High Court of M.P., Bench at Indore for necessary action and information. A copy of this order be also provided free of cost to the appellant/applicant and also to the SPIO for information and necessary action.

As per Section 19(3) of the RTI Act, 2005, appellant/applicant may file an appeal to the Hon'ble Appellate Authority (State Information Commission, Bhopal) within 90 days of the issuance of this order.

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(AJAY PRAKASH MISHR)
APPELLATE AUTHORITY