

## **Central Information Commission**

**Appeal No. 13/IC(A)/2006**

**F.No. 11/03/06-CIC**

**Dated, the 16<sup>th</sup> March, 2006**

Name of the Appellant : Arvind Mehta, 1<sup>st</sup> Floor Singapuri Building, 609, JSS Road, Mumbai-400002.

Name of the Public Authority : Registrar of Companies (ROC), Gujarat, (Department of Company Affairs), ROC Bhavan, Opp. Rupal Park, Naranpura, Ahmedabad-380013.

### **DECISION**

#### **Grounds of Appeal :**

The appellant has filed an appeal dated December 28, 2005 against the decision of the appellate authority of the Registrar of Companies (ROC) dated December 16, 2005, rejecting the request for certain information relating to the action taken by ROC on the matter of appointment of Directors of some Companies. The appellate authority has upheld the decision of the CPIO and contended that the information sought by the appellant would impede the process of investigation or apprehension or prosecution of offenders.

The appellant has alleged that there are illegalities in appointment of Directors and the records of ROC are tampered by the vested interests. He has asked for information relating to the action taken by ROC in this regard.

The ROC has stated that an inspecting officer has examined the records of the concerned Company and forwarded its report to the Ministry of Company Affairs on 30.11.2005 for necessary direction. On receipt of the direction from the competent authority penal action, as per law, would be initiated. ROC has also mentioned that the appellant has simultaneously put up application before the State Information Commission, Mumbai, Central Information Commission, New Delhi and he has also filed a case before Additional CMM Court, Mumbai raising the very same issues. The ROC has accordingly concluded that the appellant "is trying to subvert the procedure laid down by the law and seems to be creating circumstances of chaos among various public authorities by approaching them simultaneously". The ROC has also informed that the matter is pending before the High Court of Gujarat.

### **Commission's Decision :**

The ROC has initiated the process of inspection of records to ascertain the extent of tampering of records and other illegalities pertaining to appointment of Directors. It is in the process of initiating penal action against the wrong doers. Till the ROC has completed the process of prosecution against the offenders, the exemption from disclosure of information under section 8(1)(h) has been correctly applied by the appellate authority. The matter is also subjudice. The appellant can have access to information through the Court which has taken cognizance of the issues raised by the appellant. Since the matter is being examined by the competent authorities, including the Court, a little patience and faith on the part of the appellant in the system of governance and delivery of justice are required. ROC is directed to make every effort to expedite the decision making process on the issues raised by the appellant to ensure transparency in functioning of ROC.

The appeal is accordingly disposed off.

(M.M. Ansari)  
Information Commissioner

Authenticated true copy :

(P.K. Gera)  
Registrar

Cc:

1. Shri N.K. Bhola, Registrar of Companies (ROC), Gujarat, (Department of Company Affairs), ROC Bhavan, Opp. Rupal Park, Naranpura, Ahmedabad-380013.
2. Shri Arvind Mehta, 1<sup>st</sup> Floor Singapuri Building, 609, JSS Road, Mumbai-400002.