

**BEFORE THE EXECUTIVE DIRECTOR AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi - 110 001

Dated: 5th January, 2022

RTI Appeal Registration No. ISBBI/A/E/21/00035

IN THE MATTER OF

Jasani Yashkumar Kamleshkumar

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

2nd Floor, Jeevan Vihar Building

Sansad Marg, New Delhi- 110 001.

... Respondent

ORDER

1. The Appellant has filed present Appeal dated 10th December 2021, challenging the communication of the Respondent dated 8th December 2021 with regard to his RTI Application No. ISBBI/R/E/21/00226 dated 30th November 2021 filed under the Right to Information Act, 2005 (RTI Act).
2. The Appellant in his RTI application has requested Respondent to provide information with detailed clarification as to whether the BE/ BTech in Agricultural Engineering are eligible for registration as valuer in plant and machinery asset class.
3. The Respondent, in his response dated 8th December 2021, had replied that the specified disciplines under which graduation or post-graduation is considered to be valid for registration as valuer is provided in an indicative manner in Annexure-IV of the Companies (Registered Valuers and Valuation) Rules, 2017 (Rules).
4. Being dissatisfied with above response, the Appellant has filed this Appeal stating that -*'we would like to know whether Agricultural Engineering discipline comes under equivalence as all the basic engineering, Machine design, Hydraulics, farm machinery tools, machines etc course is taught under Agricultural Engineering. Request to clarify the same very specific and if not with a reason for not considering.'*
5. I have carefully considered the application, response of the Respondent and the Appeal; and find that the matter can be decided based on the material available on record. The Appellant's "*right to information*" envisaged in section 3 of the RTI Act is subject to the provisions of the Act. In terms of section 2(f) of the RTI Act, '*information*' means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which

can be accessed by a public authority under any other law for the time being in force. Further, section 2(j) of the RTI Act defines the “*right to information*” in term of information accessible under the Act which is held by or is under the control of a public authority. Thus, if the public authority holds any information in the form of data, statistics, abstracts, etc. an applicant can have access to the same under the RTI Act subject to exemptions under section 8.

6. On perusal of Appellant’s request in his application and in this Appeal, I find that the Appellant is seeking clarification/interpretation of the Companies (Registered Valuers and Valuation) Rules, 2017 as to whether the BE/ BTEch in Agricultural Engineering are eligible for registration as valuer. These requests are certainly questions soliciting an answer rather than any ‘*information*’ within the scope and ambit of section 2(f) of RTI Act. This Act does not create obligation on the public authority to answer queries eliciting answers to questions. The Hon’ble Supreme Court of India in its judgment dated August 9, 2011, in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors.* had held that a public authority is “...not required to provide ‘*advice*’ or ‘*opinion*’ to an applicant, nor required to obtain and furnish any ‘*opinion*’ or ‘*advice*’ to an applicant. The reference to ‘*opinion*’ or ‘*advice*’ in the definition of ‘*information*’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.”
7. Nevertheless, the Respondent provided guidance though not bound to do so. Now the Appellant has asked clarification on the requirements under the applicable Rules. The RTI Act can not be used to solicit such clarifications on doubts of Appellant. In this regard, it is also relevant to refer to the Order dated April 21, 2006, of the Hon’ble CIC in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr.*, wherein it was observed that: “the RTI Act does not cast on the public authority any obligation to answer queries in which a petitioner attempts to elicit answers to his questions with prefixes, such as, ‘*why*’, ‘*what*’, ‘*when*’ and ‘*whether*’. The petitioner’s right extends only to seeking information as defined in section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.”
8. In view of the above, I find that neither the request in the application of the Appellant nor the clarifications sought by him in this Appeal are covered within the scope of ‘*information*’ and the ‘*right to information*’ under the RTI Act. Accordingly, I find that there is no need to interfere with the decision of the Respondent. The Appeal is accordingly dismissed.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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