

**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: 28th February, 2022

RTI Appeal Registration Nos. ISBBI/A/E/22/00002

IN THE MATTER OF

Sudha Ray

... 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 this Appeal dated 3rd February 2022, against the response of the Respondent dated 1st February 2022 with regard to her RTI application no. ISBBI/R/T/22/00002 dated 25th January 2022 filed under the Right to Information Act, 2005 (RTI Act) wherein she had requested for a detailed clarification as to how she will receive her amount back which she had deposited with Alchemist Township India Ltd. (Corporate Debtor) with maturity date of 14th December 2019 till 19th January 2022.
2. The CPIO in his response has informed that the said Corporate Debtor is under Corporate Insolvency Resolution Process, details of which are available on IBBI website. He also provided the e-mail ID of Mr. Devendra Singh, who is the resolution professional in the matter, for queries regarding filing of claim.
3. In this Appeal, the Appellant has submitted that (a) she is not satisfied with reply of CPIO, (b) she has requested complete process of filing of claim, and (c) what is the interest amount from 14th December 2019 to 03rd February 2022.
4. 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.

5. On perusal of Appellant's request in her application and in this Appeal, I find that the Appellant is seeking clarification as to how she will receive her amount back which she had deposited with Alchemist Township India Ltd. This request is a question 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.*"
6. Nevertheless, the Respondent provided guidance though not bound to do so. Now the Appellant has asked for the complete process of filing of claim and the interest amount. The RTI Act cannot 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.*"
7. In view of the above, I find that neither the request in the application of the Appellant nor the clarifications sought by her in this Appeal are covered within the scope of '*information*' and the '*right to information*' under the RTI Act. I, therefore, find that there is no need to interfere with the decision of the Respondent.
8. The Appeal is accordingly disposed of.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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