

**WHOLE TIME MEMBER AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 30TH OF NOVEMBER, 2018

Appeal No. ISBBI/A/2018/00017 (F. No. IBBI/APPEAL/David Macwan/212)

Dated: October 10, 2018

Arising out of Order dated September 19, 2018 under RTI Request No.
ISBBI/R/2018/00037

IN THE MATTER OF

Mr. David Macwan Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan

New Delhi Respondent

ORDER

1. The present Appeal No. ISBBI/A/2018/00017 dated October 10, 2018 received in the office of the First Appellate Authority (**FAA**), Insolvency and Bankruptcy Board of India under the Right to Information Act, 2005 has been preferred by Mr. David Macwan against the order of the CPIO, Mr. Umesh Kumar Sharma, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/00037.
2. On a detailed perusal of the RTI Application of Mr. David Macwan, it is observed that the appellant sought certain information pertaining to Registered Valuers and Registered Valuers Organisations under the Companies (Registered Valuers and Valuation) Rules, 2017, and inter alia, asked for-
 - (i) *“The “Valuation Standards” laid down for Registered Valuer.*
 - (ii) *What are the selection criterions for approvals of RVOs?*
 - (iii) *How many RVOs have been approved by IBBI. Their H/Q, Sub Office and Training Centre addresses.*

- (iv) *Who are the faculty Members, their Educational qualifications and Experiences of these RVOs?*
 - (v) *What are the fee structures proposed by IBBI to RVOs for membership and Training (50 Hrs). (I understand from unconfirmed sources that it is RS: 5,000/year and RS: 25,000/Training, very high).*
 - (vi) *Whether these RVOs are commercial organizations or Non-Profit organizations.*
 - (vii) *The Exemptions available in respect of Training (50 Hrs) and Exemptions for Examination for;*
 - a. Sr. Valuers above 60 years.*
 - b. Sr. Valuers above 65 years.*
 - c. Sr. Valuers above 70 years.*
 - (viii) *The scheme for Experienced Valuer with IT-34 AB, to be directly approved as "Registered Valuers".*
3. The respondent, CPIO, Mr. Umesh Kumar Sharma, Insolvency and Bankruptcy Board of India with respect to the RTI Request No. ISBBI/R/2018/00037 of the appellant, have provided the information as sought by the appellant vide his reply letter dated September 19, 2018.
 4. The appellant raised the present appeal on the following grounds, *vis a vis*, the information so sought: -
 - (i) *Reply not satisfactory. Detailed Valuation Standard lay down is required.*
 - (ii) *Reply not satisfactory. Criterion s for approvals of RVOs to be furnished.*
 - (iii) *Addresses of Sub-Offices and training centres of RVOs not furnished.*
 - (iv) *The data should be in the similar standard format, so that comparative can be made.*
 - (v) *Detail not furnished. Opinions not given.*
 - (vi) *Matter not informed.*
 - (vii) *Information not furnished.*
 - (viii) *Matter not clarified.*
 5. The present RTI appeal has been examined and I have perused the response provided by the respondent in respect of the queries raised in the RTI application.
 6. The Hon'ble CIC in the matter of *S.K. Kapoor Vs. CPIO, SEBI & Anr. (Order dated February 21, 2007)*, wherein, held: *"...the SEBI Act, Rules, all its instructions are properly in the public domain already, which the appellant can easily access by putting up little bit of extra effort. Far from it, he wishes to treat the public authority as his Consultants who should enable him to locate provisions of Acts & Rules at public cost. This is not what the RTI Act is all about. In view of the above, there shall be no disclosure obligation regarding this item of information"*.

7. Further, The Hon'ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors. (Civil Appeal No. 6454 of 2011)*, has, inter alia, held: *"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."*
8. Further, the Companies (Registered Valuers and Valuation) Rules, 2017 is placed on the website- 'www.ibbi.gov.in', i.e., public domain and accessible to all. Once the information is available in the public domain, it cannot be said to be 'held' or 'under the control of' the public authority, as held by the Hon'ble CIC in matter *Shri K. Lall Vs. Shri M.K. Bagri (Order dated April 12, 2007)* wherein it held: *"... once an information is voluntarily disseminated it is excluded from the purview of the RTI Act and, to that extent, contributes to minimizing the resort to the use of this Act..."* .
9. In view of the above, it is observed that-
- (i) in respect of the RTI queries (i), (ii) and (vi), the information is in public domain as contained in the Companies (Registered Valuers and Valuation) Rules, 2017, which is available on IBBI website (www.ibbi.gov.in) under the heading 'legal framework'.
 - (ii) in respect of the RTI queries (iii) and (iv), the respondent has already provided the information. The appellant may obtain further information from the respective RVO's website.
 - (iii) in respect of the RTI query (vii), the appellant may see the Companies (Registered Valuers and Valuation) Rules, 2017, which is available on IBBI website (www.ibbi.gov.in) under the heading 'legal framework'.
 - (iv) the RTI queries (v) and (viii) are in the nature of obtaining advice/opinion, hence, it does not fall under 'information' under section 2(f) of the Right to Information Act, 2005.

10. Accordingly, the appeal is disposed of.

Sd/-

(Dr. Navrang Saini)

Whole Time Member and First Appellate Authority

Copy to

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