

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

2<sup>nd</sup> Floor, Jeevan Vihar Building,  
Sansad Marg, New Delhi - 110 001  
**Dated:** 2<sup>nd</sup> August, 2020

**RTI Appeal Registration No. ISBBI/A/E/20/00014**

**IN THE MATTER OF**

**Mr. Shobhit Sharma**

..... Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India,  
2<sup>nd</sup> Floor, Jeevan Vihar Building,  
Sansad Marg, New Delhi- 110 001.

..... Respondent

**ORDER**

1. This appeal is borne out of the application under Right to Information (RTI) Registration No. ISBBI/R/E/20/00089. The information sought by the appellant under section 6 of the Right to Information Act, 2005 (Act) and the reply given by the respondent are as under:

<b><i>Sl. No.</i></b>	<b><i>Information Sought</i></b>	<b><i>Reply by CPIO</i></b>
1.	<i>Dear Sir / mam i have query regarding private limited company. what are the legal complication of ,if a private limited company directors , which is 1 year old and turnover is 10,000/- only wanted to close the company but do not have enough money to close . Board of director did not pay ITR and even they do not have enough money to do so that</i>	<i>Query made is in the nature of seeking opinion/suggestion hence is not covered as information under Section 2(f) of the RTI Act.</i>

2. In this appeal, the appellant has requested for the legal implications of not closing a private limited company if one does not pay ITR. He has also submitted that his request for information was neither asking for an opinion nor any suggestions. He just wanted to know legal implications of not closing any Pvt. Ltd Company, if one does not pay ITR.
3. The respondent has submitted that the information sought is in the nature of seeking opinion or suggestion, and hence no reply is required as same is not covered within the definition of 'information' under Section 2(f) of the Act.
4. In this regard, the FAA noted that as per the Guide on Right to Information Act, 2005 issued vide OM No. 1/32/2013-IR dated 28<sup>th</sup> November, 2013 of DoPT, it is stated that:

*"The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to*

furnish information which **require drawing of inference and/or making of assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.**”

The observations of the Hon’ble Supreme Court in the matter of *CBSE & Anr. Vs. Aditya Bandopadhyay & Ors.*, SLP(C) NO. 7526/2009 is also relevant, wherein it was held that:

*“A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also 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.”*

5. The above being the position, this FAA is convinced that the respondent was not under obligation to express any opinion or provide suggestive assumption or provide any answer to any question posed by the appellant.
6. Accordingly, this appeal has no merits and is thus dismissed.

(Sd/-)

**(K. R. Saji Kumar)**

Executive Director and First Appellate Authority

**Copy to:**

1. Appellant, Mr. Shobhit Sharma.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2<sup>nd</sup> Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.