

**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: 23rd June, 2023

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/23/00022**

IN THE MATTER OF

Sharaf Abbas Rizvi

... 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

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1. The Appellant has filed the present Appeal dated 27th May 2023, challenging the communication of the Respondent dated 18th May 2023 in respect of his RTI application no. ISBBI/R/E/23/00054 filed under the Right to Information Act (RTI Act). I have carefully examined the application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record.
 2. It is noted that in his RTI application, the Appellant had stated the following -
“HI, I AM SHARAF ABBAS SAYED REHAN HUSSAIN RIZVI EMPLOYED WITH M/S RAJESH BUSINESS AND LEISURE HOTELS PRIVATE LIMITED (RBLHPL) FROM 01.01.2017 TO 20.04.2022 WHICH IS UNDER INSOLVENCY AND BANKRUPTCY PROCESS, AS PER PUBLIC ANNOUCMENT DATED 26.04.2022 ON NCLT PORTAL, I MADE THE CLAIM ACCORDINGLY AS MY SALARY WAS LONG PENDING DUE FROM MY EMPLOYER AND IT WAS ESTIMATED THAT THE INSOLVENCY PROCESS SHALL BE CLOSED BY APPROX 180 DAYS i.e. BY 17.10.2022 AS PER THE PUBLIC ANNOUCMENT, WHICH IS STILL PENDING SINCE THEN. PLEASE LET ME KNOW THE EXACT STATUS OF THE INSOLVENCY AND BANKRUPTCY PROCESS OF RBLHPL AND HOW TIME IT WILL TAKE FOR ITS RESOLUTION”
 3. The Respondent has stated that “As per the information available with the Board, the corporate insolvency resolution from process is ongoing in the matter of the M/S Rajesh Business and Leisure Hotels Private. The process related information may be accessed in the URL: <https://ibbi.gov.in/en/claims/innerprocess/USSI00MH2005PTC156935>.” Aggrieved by the same, the Appellant has filed the present Appeal re-iterating his request and stating that “.... PLEASE LET ME THE DETAILED STATUS AND COMPLETION TIME IT WILL TAKE.”
 4. I have carefully examined the application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record. Before examining the request, I deem it appropriate to deal with scope of information and right to receive the information under the RTI Act. It is noted that 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."

5. The aforesaid definition contemplates providing of material in the forms of records, documents, opinions, advice, etc. It does not include giving opinions on issues raised or providing clarifications or advice to inquiries. 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 and which can be disclosed subject to exemptions under section 8 of the RTI Act. 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. It is thus, clear that the "right to information" under section 3 of the RTI Act is circumscribed by RTI Act itself as the right is limited within scope of 'information' as defined under section 2(f) and is subject to other provisions including those under section 8 of the Act.
6. I find that the Appellant is soliciting opinion as to detailed status of the insolvency process and time when the same will be completed. Such requests of the Appellant are inquiries inviting and soliciting response in the nature of explanation, clarification, opinion, interpretation etc. and is beyond the scope of 'information' under section 2(f) and the 'right to information' under section 2(j) of the RTI Act. The CPIO is not bound to provide any such advice/guidance or opinion to the Appellant. In this context, I note that 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. As stated in the Guide on the RTI Act issued by the DoPT under OM No. 1/32/2013-IR dated 28th November 2013 - "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."
8. These requests, of the Appellant, are certainly inquiries soliciting a response for 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. In this regard, it is 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.*"

9. In view of the above, I find that there is no need to interfere with the decision of the Respondent. The Appellant can himself visit the website of NCLT / IBBI and track the status of the insolvency process. The Appeal is accordingly dismissed.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

1. Appellant, Sharaf Abbas Rizvi.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.