

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

7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market,  
Connaught Circle, New Delhi- 110 001

**Dated: 03<sup>rd</sup> October, 2024**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in RTI Appeal  
Registration No. ISBBI/A/E/24/00031**

**IN THE MATTER OF**

**Unni Gorla**

... Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India  
7th Floor, Mayur Bhawan, Shankar Market,  
Connaught Circle, New Delhi - 110 001.

... Respondent

1. The Appellant has filed the present Appeal dated 24<sup>th</sup> August 2024, challenging the communication of the Respondent dated 23<sup>rd</sup> August 2024 in his RTI application no. ISBBI/R/X/24/00150. As this Appeal required detailed examination of provisions of RTI Act, same is disposed within 45 days instead of 30 days.
2. The query raised in the RTI Application filed under the Right to Information Act (RTI Act), and the reply of the Respondent is as follows –

Information sought	Reply
<i>This is with regards to the ongoing acquisition of Reliance big FM by sapphire media limited and NCLT has appointed Mr. Rohit Mehra as IRP and under his supervision everything has to be finalised. kindly confirm that RP has followed the FM guidelines of ministry of Information and broadcasting.</i>	<i>The information sought is in the nature of as 'query' and not in the nature of seeking information under Section 2(f) of Rights to Information, 2005.</i>
<i>Please confirm why disqualification clause of FM Guidelines has not been included in information memorandum part of Expression of Interest</i>	<i>The information sought is in the nature of as 'query' and not in the nature of seeking information under Section 2(f) of Rights to Information, 2005.</i>
<i>please let me know that IBBI has been intimated by RP about this violation or not.</i>	<i>The information sought is in the nature of as 'query' and not in the nature of seeking information under Section 2(f) of Rights to Information, 2005.</i>
<i>sapphire media limited is an advertising agency and RP is very well aware of the same and deliberately</i>	<i>The information sought is in the nature of as 'query' and not in the nature of seeking</i>

<i>miss the disqualification clause of FM guidelines from information memorandum, please confirm at the point of bidding Sapphire media limited is an advertising agency or not.</i>	<i>information under Section 2(f) of Rights to Information, 2005.</i>
<i>Please confirm that ministry has intimated to RP Robit Mehra about the FM policy guidelines and its adherence. please provide me the documents or letter of FM guidelines sent by ministry to RP.</i>	<i>The information sought is in the nature of as 'query' and not in the nature of seeking information under Section 2(f) of Rights to Information, 2005.</i>
<i>This is extremely urgent and in national interest, please provide the information at the earliest. please refer NCLT order I.A No. 290 of 2024, I.A No. 614 of 2024, cp (IB) No. 310 of 2022</i>	<i>No information is sought.</i>

3. The Appellant aggrieved by the same, has filed the present appeal stating the following –  
*"...The information given by CPIO is misleading and I am sure he is trying to hide it with the reason best known to him. I would request you to kindly provide all the information, if you wish you can replace the word confirmation with information. We are no very well versed in technicalities of RTI. Even there are several judgement of supreme court where premiere institution stated to provide the information for the welfare of public at large. There are corruption involved in this deal and the public money is at risk. Kindly provide all the information with relevant documents of there is any without going into the technicalities of RTI. I hope you will help me."*
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 opinions and confirmations about various factual situation from the Respondent. Such requests of the Appellant are inquiries inviting and soliciting response in the nature of explanation, clarification, opinion, 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 confirmations 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 28<sup>th</sup> 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 view of the above, I find that there is no need to interfere with the decision of the Respondent. The Appeal is accordingly dismissed.

**Sd/**  
**(Jithesh John)**  
First Appellate Authority

**Copy to:**

1. Appellant, Unni Gorla.
2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circle, New Delhi- 110 001.