

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

2nd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi- 110 001
Dated: 12th October, 2020

RTI Appeal Registration No. ISBBI/A/E/20/00018

IN THE MATTER OF

Mr. Sivakumar V

..... 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. This appeal is borne out of the application under Right to Information (**RTI**) bearing Registration no. ISBBI/R/E/20/00118. The information sought by the appellant under section 6 of the Right to Information Act, 2005 (**Act**) and the reply given by the respondent is as under:

Sl. No.	Information Sought	Reply by CPIO
1.	<i>We, more than 3500 depositors invested money on monthly basis in a gold savings scheme offered by Nathella Sampathu Chetty Pvt Ltd (NSJPL) and the entity filed a voluntary Insolvency. At present, Liquidation process in progress and it seems that the chit fund depositors/creditors are not considered for refund as we were classified as Other creditors and the preference is being given for Operational creditors and Financial creditors Hereby request and seek information on the assets that were acquired by the Enforcement</i>	<i>It is submitted that the Corporate Person specified in the RTI query, M/s Nathella Sampathu Chetty Pvt Ltd is not undergoing liquidation process under the Insolvency and Bankruptcy Code, 2016 (Code). However, the Corporate Debtor M/s Nathella Sampath Jewellery Private Limited (NSJPL) is undergoing liquidation process under the Code, which is being handled by Mr. Ram Ratan Kanoongo (Liquidator). The details of the said liquidator can be found at the following link :</i> <i>https://www.ibbi.gov.in/ips-register/viewip/1?name_ip=Ram+Ratan+Kanoongo</i>

	<i>Directorate and the Resolution Professional for liquidation with regards to the Corporate debtor</i>	
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2. In this appeal, the appellant has submitted that he agrees with the information provided by the respondent that the name of the corporate debtor is indeed M/s Nathella Sampath Jewellery Private Limited and the same is undergoing liquidation process. However, in the appeal, he has requested the FAA to provide the following information:
 - a. The participant(s) list who are in Committee of Creditors;
 - b. Resolution plan that was approved and the priority of settlement to the gold savings scheme chit fund creditors;
 - c. The Corporate debtor books (assets, liabilities, etc);
 - d. Money received/borrowed by the Corporate debtor and the subsequent investments/expenditure (buying movable/immovable assets in India/Overseas), building or investing money in schools/educational institutions) etc; and
 - e. List of assets that are under Liquidation by the Liquidator.
3. In this regard, comments of the respondent were called for. The respondent has submitted as follows:
 - a. Information sought by the appellant is not available.
 - b. The information required by appellant is beyond the purview of appeal as the same was not sought in RTI application.
 - c. In the RTI application, the appellant had asked the information relating to Nathella Sampathu Chetty Pvt. Ltd., on which the reply was given to the applicant. However, in the appeal he has sought information relating to the M/s Nathella Sampath Jewellery Private Limited (NSJPL).
4. It may be stated that the FAA has no power or authority under the Act to share any information with the appellant as requested for but can only deal with the appeal under the provisions of the Act. It may be seen that the respondent has informed the appellant that M/s Nathella Sampathu Chetty Pvt Ltd is not undergoing liquidation process under the Insolvency and Bankruptcy Code, 2016; rather a corporate debtor with the name M/s Nathella Sampath Jewellery Private Limited (NSJPL) is undergoing liquidation process under the Code. This FAA, therefore, finds that the respondent provided whatever information available and that the appellant has agreed to the information provided by the respondent. Hence, the appellant has no grievance against the information provided by the respondent. Rather, the appellant is attempting to get fresh information in this appeal, which is evident from his request in the appeal to the FAA. Hence, it is concluded that such a request in appeal is not permissible under the Act, and will result in expansion of scope of the original RTI application. In this regard, the Hon'ble CIC in its order in the matter of *Shri Harish Prasad Divedi Vs. Bharat Petroleum Corporation Ltd.* [Case No. CIC/LS/A/2013/001477SS] observed the following:

“7. Having heard the submissions and perused the records, the Commission agrees with the Respondents that the information now sought by the Appellant in the present appeal did not form part of his original RTI application. Therefore, the Commission is not in a

position to allow the disclosure of the information which had not even been sought by the appellant in his RTI application. An information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. No disclosure can, therefore, be directed to be made in the present appeal of the Appellant.”

5. With the above finding, the appeal is disposed of.

(Sd/-)

(K. R. Saji Kumar)

Executive Director and First Appellate Authority

Copy to:

1. Appellant, Mr. Sivakumar V.
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