

**BEFORE THE 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: 23<sup>rd</sup> November, 2023**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI  
Appeal Registration No. ISBBI/A/E/23/00031**

**IN THE MATTER OF**

**Ramesh Chandra**

... 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

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1. The Appellant had earlier filed an Appeal dated 6<sup>th</sup> October 2023, challenging that the Respondent has not provided the information within 30 days as per the RTI Act. Same was disposed *vide* Order dated 31<sup>st</sup> October 2023.
  2. However, the Appellant has filed another Appeal dated 1<sup>st</sup> November 2023 against the reply provided by CPIO on the RTI Application *vide* letter dated 10<sup>th</sup> October 2023.
  3. It is noted that in his RTI application, the Appellant had requested for the following in respect of the complaints filed against Mr. Vivek Raheja, Resolution Professional -  
“1. Copy of show cause notice issued to Mr. Vivek Raheja as per regulation 2017.  
2. Copy of reply with supporting documents received from Mr. Vivek Raheja.  
3. Copy of investigation report  
4. Inspection report, Disciplinary Committee noting or any other written documents, based on which DC concluded & passed reasoned order.”
  4. The Respondent has provided the following reply on 10<sup>th</sup> October, 2023 –  
“1) The disclosure of show cause notice is exempted under section 8(1)(j) of the RTI Act, 2005.  
2) The disclosure of reply received from concerned Insolvency Professional on the investigation notice or complaint is exempted under section 8(1)(e) and 8(1)(j) of the RTI Act, 2005.  
3) The disclosure of investigation report of Insolvency Professional is exempted under section 8(1)(e) of the RTI Act, 2005.  
4) The Order of Disciplinary Committee is available on website of IBBI and accessible at <http://ibbi.gov.in/en/orders/ibbi?title=&date=&order=42> which is a speaking order and contains reasoning behind arriving at such order.”
  5. Aggrieved by the same, the Appellant has submitted the following in this Appeal –  
“The first Appellate Authority did not go thru details of CPIO reply date 10-10-2023. CPIO did not provide any information but abused various sections of RTI law. First Appellate should have gone through CPIO reply date 10-10-2023 (replied after First Appeal) & directed CPIO to provide information's, instead hiding all information's under goose of various sections thus abusing RTI act.

*I have filed complaints with evidence, on PG Portal, CVC, PMO about corruption, Cartel, fraud in by IBBI in DC order date 17-02-2023 based on fake, cancelled MSME Certificate date 31-10-2017. CVC also forwarded complaints to MCA. Complaints sent to PMO are also closed by IBBI. Kindly provide information on eab RTI application, as under...”*

6. 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. 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.*” It is pertinent to mention here that the Appellant’s “*right to information*” flows from section 3 of the RTI Act and the said right is subject to the provisions of the Act. While the “*right to information*” flows from section 3 of the RTI Act, it is subject to other provisions of the Act. 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. 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.
7. Before dealing with issues in this Appeal, it is pertinent to mention that for query 1 and 2, the CPIO has claimed exemption under section 8(1)(j). Section 8(1)(j) exempts information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual. However, it is not clear as to how the show-cause notice and documents sent by Mr. Raheja are personal information the disclosure of which has relationship to any public activity or interest, or how it would cause unwarranted invasion of the privacy of the individual? This is obviously denial without reason and the CPIO is requested to deal with RTI applications in accordance with RTI Act. I would persuade Respondent to be clear, specific and give reasoned response. Having observed so, I proceed to deal with specific issues in following paragraphs.
8. With regard to query 1, 2, 3 and 4, the Appellant has asked for the (i) copy of SCN, (ii) copy of documents provided by IP to IBBI, (iii) Copy of investigation report, (iv) inspection report and other documents on which DC concluded and passed the order. I note that the proceedings before the Disciplinary Committee are initiated and concluded qua the concerned Insolvency professional in terms of the provisions of the Insolvency and Bankruptcy Code, 2016 and Regulations made thereunder. In this case under reference the proceedings have culminated in an order passed by the DC dated 17<sup>th</sup> February 2023. All the relevant material including charges framed in investigation report are duly dealt in the said order. The Appellant has no right to ask for such documents under the provisions of the Insolvency and Bankruptcy Code, 2016 and Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017 (Inspection Regulations). These documents are used and relied upon in respect of a disciplinary proceedings against a registered insolvency professional and law does not cast obligations to share these documents with third parties.
9. I further note that the communications between the IP and IBBI are in the context of a corporate insolvency resolution process of a corporate debtor and do contain details which are commercial in nature and disclosure of such details about IP or corporate debtor could harm their competitive positions. While providing any information received from the IP, the Respondent cannot be oblivious to the fact that by information disclosure, no harm is caused to the commercial transactions in corporate insolvency process or to the persons associated

with the process. Accordingly, I hold that the requested information is exempted under section 8(1)(d). Apart from the legal obligation of IP under the governing regulations to ensure confidentiality of the information sought relates to the insolvency resolution process and many of the information contained are received under fiduciary relationship. Therefore, there is fiduciary angle to the relationship between the IP and IBBI also, and the disclosure of requested information is exempted under section 8(1)(e) also. The Appellant has also failed to establish how a larger public interest is involved warranting disclosure of requested information nor has he disclosed as to how his interest is affected by non-disclosure of requested information.

10. In view of the above, I do not find any reason to issue any further direction to the Respondent. Accordingly, the Appeal is disposed of.

**Sd/**  
**(Santosh Kumar Shukla)**  
First Appellate Authority

**Copy to:**

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