

**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: 20<sup>th</sup> October, 2023**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI  
Appeal Registration No. ISBBI/A/E/23/00033**

**IN THE MATTER OF**

**Ganesan Shanmugam**

... 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

- 
1. The Appellant has filed the present Appeal physically on 23<sup>rd</sup> September 2023 and online on 13<sup>th</sup> October 2023, challenging the communication of the Respondent dated 22<sup>nd</sup> September 2023 in his RTI application no. ISBBI/R/E/23/00125. In his RTI application filed under the Right to Information Act (RTI Act), the Appellant had requested for the following -
    - (a) Complete list of all the owners of 551 flats containing the details of name, address, e-mail ID, mobile number along with date of possession immediately.
    - (b) Provide complete details of all the claims submitted by Neelkamal Apartment Buyers Assn (NABA) and the details of the landed property.
  2. The Respondent has responded as follows –

*“... it is informed that the list of claims in respect of CIRP of a CD is available at <https://ibbi.gov.in/en/claims/claim-process> .”*
  3. Aggrieved by the same, the Appellant has filed the present appeal stating the following –

*“... You could conclude that the reply furnished by IBBI is totally irrelevant to the details I asked for. If IBBI had to direct the complainant to refer to a CD available in the website, they could have done immediately on receipt of my request.*

*My requests are just two:*

*1 Details of all the 551 allottees of the Neelkamal residential complex-OMR Chennai. (the reasons for asking are also given by me earlier).*

*2 Details of claims submitted, admitted, approved and pending verification of one third party association called Neelkamal Apartment Buyers Assn (NABA) and the details of the landed property declared in the Balance Sheet of RVP published by IRP.*

*I could not find any of the details in the website cited by the IBBI official in this regard.”*

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. 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.
5. With respect to query (1), the Appellant has requested for details of all the owners of 551 flats containing the details of name, address, e-mail ID, mobile number, etc in the CIRP of the Real Value Promoters Private Limited (CD). With regard to name of allottees is concerned, I note that the Respondent has provided the link where the claims submitted, admitted, along-with name of claimants in the matter of CD is available on the website of IBBI. The Appellant can visit the website of IBBI and access the information regarding the same. It is relevant to refer to the decision of Hon'ble CIC in Shri Girish Prasad Gupta vs. CPIO, Indian Oil Corporation (decided on March 30, 2015), wherein it has held that:-  
*“...With regard to the first issue, we note that the information that is placed by a public authority on its website is already available in the public domain and is, therefore, not under the control of the public authority. It can be obtained by any interested person by consulting the relevant website. If public authorities are required to provide hard copies of the information, already available on their website as part of suo motu disclosure, such suo motu disclosure will become futile, because the very purpose of such disclosure is to ensure that applicants do not have to approach public authorities to get a good deal of information already placed by them on their website.”*
6. However, for ease of reference, the specific links in the matter are provided as below and can be accessed by Appellant –

Subject	Link
List of claims	<a href="https://ibbi.gov.in/en/claims/claim-process/U70101TN1995PTC032687">https://ibbi.gov.in/en/claims/claim-process/U70101TN1995PTC032687</a>
Details of claims	<a href="https://ibbi.gov.in/en/claims/front-claim-details/14567">https://ibbi.gov.in/en/claims/front-claim-details/14567</a>  (Details of name can be accessed by clicking “ <b>View File</b> ” in column titled “Details in Annexure (Only PDF)”)

7. Further, with regard to address, e-mail ID, mobile number) of all allottees is concerned, the Respondent cannot be expected to compile such voluminous records. Moreover, the

Insolvency and Bankruptcy Code, 2016 and regulations also do not put a duty on IBBI to maintain such details. The observation of Hon'ble CIC in N. Murugesan Vs. CPIO, Ministry of Power (Second Appeal No. CIC/POWER/A/2018/165515) *vide* Order dated 21.05.2020, is relevant -

*“.....collation of the information in the manner sought by the appellant on point No. 3 of the RTI application would involve compilation from voluminous records by a significant number of officials and would disproportionately divert the resources of the public authority from the efficient discharge of its normal functions. If the required information was not maintained in the manner as asked for, the CPIO could not be asked to compile such data which would require going through each of these files individually. Furthermore, the CPIO is also not required to collect and compile the information on the demand of a requester nor is he expected to create a fresh one merely because someone has asked for it..... the CPIO cannot be expected to compile the information which requires disproportionate diversion of the resources of the public authority.”*

8. Further, the collection and compilation of vast and voluminous information about all such allottees as requested would disproportionately divert the manpower and resource of IBBI. Hence, it will not be possible to supply the information in the form as requested in view of provisions of section of RTI Act. Furthermore, the Hon'ble Supreme Court in the matter of ICAI vs. Shaunak H. Satya MANU/SC/1006/2011 : (2011) 8 SCC 781 dated 02.09.2011 had held as under:

*"26. We however agree that it is necessary to make a distinction in regard to information intended to bring transparency, to improve accountability and to reduce corruption, falling under Section 4(1)(b) and (c) and other information which may not have a bearing on accountability or reducing corruption. The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources"*

9. Moreover, had the “address, e-mail ID, mobile number” would have been available with IBBI, same cannot be disclosed under RTI Act as it relates to personal information the disclosure of which has no relationship to any public activity or interest and which would cause unwarranted invasion of the privacy of the individual. Accordingly, disclosure of such information is also exempted under section 8(1)(j) of the RTI Act.
10. With regard to query (2), the Appellant has asked for details of claims submitted by Neelkamal Apartment Buyers Assn (NABA). In this regard also, I note that the Respondent has provided the link of IBBI website where the information is available. On perusal of the link, I note that the details of claims of Neelkamal Apartments Buyers Association are available at the following link –  
<https://ibbi.gov.in/uploads/claims/2023-10-19%2016:11:28-66930a68a7ed1c2263c07245b7d560ef.pdf>

The Respondent can visit the said link and access the information. Hence, no further action is required.

11. With regard to details of the landed property declared in the Balance Sheet of Corporate Debtor published by IRP is concerned, the same is not available with IBBI and the same is also not required under law to be maintained with IBBI. The Respondent is expected to provide information as available on record and not create any information. Same is beyond the scope of 'right to information' under section 2(j) of the RTI Act which limits the information to one 'accessible' under the RTI Act and 'which is held by or under the control of any public authority'. Accordingly, no information can be provided. I also note that had such information was available with IBBI, same might have fallen within section 8(1)(d) as being an information having commercial confidence and the disclosure of which would harm the competitive position of a third party. Also, any such information is submitted by IP in a fiduciary capacity to IBBI and may also be exempted under section 8(1)(e) of the RTI Act.
12. In view of the above, I do not find any reason to interfere with the response of the Respondent. Accordingly, the Appeal is disposed of.

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

**Copy to:**

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