

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

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circle, New Delhi- 110 001

Dated: 29th October, 2024

RTI Appeal Registration No. ISBBI/A/E/24/00041

IN THE MATTER OF

Anuj Maheshwari

... 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

ORDER

1. The Appellant has filed the present Appeal dated 25th October 2024, challenging that the Respondent has not provided the information within 30 days as per the RTI Act. It is noted that as per section 7(1) of the RTI Act, the Respondent is required to respond within 30 days of the receipt of the request. As per records, the Application was received by CPIO on 24th September 2024. However, it was disposed of on 8th November 2024 which is 16 days after the due date. Being CPIO of Public Authority like IBBI, Respondent should be sensitive to timelines and disposal of information request. I would, therefore, encourage and urge the Respondent to take into account the requirements of law while dealing with information requests under the RTI Act and dispose of RTI applications within the prescribed time.
2. As this Appeal required detailed examination of provisions of RTI Act, same is disposed within 45 days instead of 30 days. In the RTI Application, the Appellant has requested for the following –
“I am writing to request information under the Right to Information Act, 2005. Specifically, I seek the following details regarding Insolvency Professionals registered with the Insolvency and Bankruptcy Board of India (IBBI) as of the date of this application: 1. The name, registration number, age, and date of registration of the youngest Insolvency Professional currently registered with the IBBI. 2. The name, registration number, age, and date of registration of the eldest Insolvency Professional currently registered with the IBBI..”
3. The Respondent has replied the following –
“The details of the Insolvency Professionals are available on the website of IBBI and accessible at <https://ibbi.gov.in/en/ips-register/registered-ips>. The details regarding age of the Insolvency Professionals are in the nature of personal information and is therefore exempted from disclosure under section 8(1)(b) of the RTI Act, 2005..”
4. In the Appeal, the Appellant has stated the following–
“I am filing this appeal under Section 19(1) of the Right to Information Act, 2005, due to the non receipt of a response to my RTI application dated 24/09/2024. Despite the lapse of the stipulated 30 day period, I

*have not received any communication regarding the requested information. I am writing to specifically seek the following details regarding Insolvency Professionals registered with the Insolvency and Bankruptcy Board of India (IBBI) as of the date of my original application: 1. **The name, registration number, age, and date of registration of the youngest Insolvency Professional** currently registered with the IBBI. 2. **The name, registration number, age, and date of registration of the eldest Insolvency Professional** currently registered with the IBBI.”*

5. I have carefully examined the application, the response of the Respondent and the Appeal. 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.*”.
6. 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. It is also 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.
7. 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 unless a larger public interest justifies the disclosure of such information. If the information sought for is personal and has no relationship with any public activity or interest or it will not sub-serve larger public interest, the Respondent is not legally obliged to provide that information. The Hon’ble Supreme Court in *Bihar Public Service Commission vs. Saiyed Hussain Abbas Rizwi and Ors.* (Civil Appeal No. 9052 of 2012 (Arising out of SLP (C) No. 20217 of 2011) vide Order dated 13th December 2012 observed that –
“In terms of this provision, 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 would fall within the exempted category, unless the authority concerned is satisfied that larger public interest justifies the disclosure of such information. It is, therefore, to be understood clearly that it is a statutory exemption which must operate as a rule and only in exceptional cases would disclosure be permitted, that too, for reasons to be recorded demonstrating satisfaction to the test of larger public interest. It will not be in consonance with the spirit of these provisions, if in a mechanical manner, directions are passed by the appropriate authority to disclose information which may be protected in terms of the above provisions.”

In *Canara Bank v. C.S. Shyam and Anr.* (Civil Appeal No. 22 of 2009) vide decision dated 31st August 2017, the Hon'ble Supreme Court observed as follows -

“In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.”

8. I hold that the name, registration number, age, and date of registration of persons who are youngest and oldest may cause unwarranted invasion on the privacy of such individuals. Further, I am also not satisfied as to how a larger public interest is involved. As such I find no valid ground to outweigh the scope of exemption under section 8(1)(j).
9. In view of the above, I find no reason to interfere with the decision of the Respondent. The Appeal is disposed of accordingly.

Sd/
(Jithesh John)
First Appellate Authority

Copy to:

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