

**WHOLE TIME MEMBER AND FIRST APPELLATE AUTHORITY  
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

7<sup>TH</sup> FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 11<sup>TH</sup> OF FEBRUARY, 2019

Appeal No. ISBBI/A/2019/60001 (F.No. IBBI/BS/RTI/RTI APP/K Srinivas/261)

Dated: February 11, 2019

Arising out of Order dated January 25, 2019 under RTI Request No. ISBBI/R/2018/50130

IN THE MATTER OF

Mr. K Srinivas

.....

Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7<sup>th</sup> Floor, Mayur Bhawan

New Delhi

.....

Respondent

**ORDER**

1. The present Appeal No. ISBBI/A/2019/60001 dated January 26, 2019 received in the office of the First Appellate Authority (**FAA**), Insolvency and Bankruptcy Board of India under the Right to Information Act, 2005 has been preferred by Mr. K Srinivas against the order of the CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/50130.
2. On a detailed perusal of the RTI Application of Mr. K. Srinivas, it is observed that the appellant sought information in the matter of corporate insolvency resolution process of Transstroy India Limited except the information provided at corporate debtor's website. Following information are sought for-
  - (1) *Signed copy presented members of CoC meeting dated 06.11.2018.*
  - (2) *List of fixed assets (non-movable) provided by corporate debtor.*
  - (3) *List of construction equipment including dumpers, plant and machinery provided by corporate debtor.*
  - (4) *List of passenger cars, LMVs details provided by the corporate debtor and its takeover & custody proceedings of IRP as per Insolvency and Bankruptcy Code, 2016.*
3. The respondent, CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to the RTI Request No. ISBBI/R/2018/50130 of the appellant, has opined that:

- (i) With respect to Query No.1 the Information sought is exempt from disclosure under section 8(1)(g) and 8(1)(j) of the RTI Act, 2005.*
- (ii) With respect to Queries 2 to 4 the information so sought is not available with Insolvency and Bankruptcy Board of India.*

4. The appellant has raised the present appeal requesting FAA to seek left out information by utilising section 6(3) of Right to Information Act, 2005, as it is useful for future proceedings to serve and save the public assets.
5. The provisions of Section 6 (3) states that:  
“Where an application is made to a public authority requesting for an information, -  
  
*(i) which is held by another public authority; or*  
  
*(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer: Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.”*
6. The present RTI appeal has been examined and I have perused the response provided by the respondent in respect of the queries raised in the RTI application.
7. I find that, the CPIO has already responded that the information sought by the appellant is not available with the Insolvency and Bankruptcy Board of India. Moreover, the appellant in his appeal has not provided the name of any public authority which holds the information desired by him.
8. In this regard the Hon’ble Supreme Court of India in *Thalappalam Ser. Coop. Bank Ltd. & Ors, v. State of Kerala & Ors. (Civil Appeal No. 9017 of 2013)*, while interpreting the term “information” enshrined in Section 2(f) of the RTI Act, 2005 has observed that “...citizens have a right to get information but can have access only to the information “held” and under the “control of public authorities”, with limitations. If the information is not statutorily accessible by a public authority, as defined in Section 2(h) of the Act, evidently, that information will not be under the “control of the public authority”.

In view of the above, it is observed that-

- (i) With respect to Query No.1 the Information sought is exempt from disclosure under section 8(1)(g) and 8(1)(j) of the RTI Act, 2005.*
- (ii) With respect to Queries 2 to 4 the information so sought is not available with the Insolvency and Bankruptcy Board of India.*

Accordingly, the appeal is disposed of.

**Sd/-**

**(Dr. Navrang Saini)**  
Whole Time Member and First Appellate Authority

Copy to

1. Mr. K. Srinivas
2. CPIO, Insolvency and Bankruptcy Board of India  
7<sup>th</sup> Floor, Mayur Bhawan  
New Delhi