

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

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 25th May, 2022

RTI Appeal Registration No. ISBBI/A/E/22/00016

IN THE MATTER OF

Mithun Chakravarthi

... 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. The Appellant has filed the present Appeal dated 30th April 2022, challenging the communication of the Respondent dated 8th April 2022 with regard to his RTI Application No. ISBBI/R/E/22/00088 dated 26th March 2022 filed under the Right to Information Act, 2005 (RTI Act). In the RTI Application, the Appellant has requested for the following –
 - a. *In social trade scam is refund process started who invested in this company? (Ablaze info solutions)*
 - b. *When refund will be processed to me as I have submitted all the documents relevant to this in prescribed format last year. (Feb-2021) to this email address(ablazeliquidator@gmail.com)*
2. The Respondent replied stating that the ‘information’ sought is not available with IBBI and provided contact details of the liquidator of Ablaze Info Solutions Pvt. Ltd..
3. Aggrieved by the same, the Appellant has submitted that “*My understanding is that the information sought should exist with IBBI since resolution officer or insolvency professional works for IBBI. Please guide with details to seek information through RTI from respective liquidator/ resolution officer of Ablaze info solutions pvt ltd so I can submit another RTI for the same request.*”
4. 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. Section 2(j) of the RTI Act defines the “*right to information*” in terms of information accessible under the Act which is held by or is under the control of a public authority. The inclusive list provides for the right to - (i) *inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.*
5. 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 definitions contemplate providing of material in the forms of records, documents, opinions, advices, etc. It does not include giving opinions on issues raised or providing clarifications or advice to inquiries. As stated in the Guide on the RTI Act issued by the DoPT under OM No. 1/32/2013-IR dated 28th November, 2013 –
“The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to furnish information which require drawing of inference and/or making of assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.”
7. The Appellant had, in his Application, asked questions as to whether the refund process has started in the company and when will the refund will be processed? These questions, in my view, are in nature of inquiries soliciting guidance, advice and opinion and beyond the scope of right to information under the RTI Act. The Respondent is not bound to respond to such inquiries under the RTI Act. In this regard, it is also relevant to refer to the Order dated April 21, 2006, of the Hon’ble CIC in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr*, wherein it was observed that: *“the RTI Act does not cast on the public authority any obligation to answer queries in which a petitioner attempts to elicit answers to his questions with prefixes, such as, ‘why’, ‘what’, ‘when’ and ‘whether’. The petitioner’s right extends only to seeking information as defined in section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.”*
8. It is also relevant to mention that the Hon’ble Supreme Court of India in its judgment dated August 9, 2011, in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.*, *inter alia*, held that:
“A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority...”
9. Nevertheless, the Respondent has provided relevant guidance and provided the link for contacting the liquidator of the company. In view of the above, I find no reason to interfere with the decision of the Respondent.
10. The appeal is accordingly, disposed of.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

1. Appellant, Mithun Chakravarthi.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.