

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

2nd Floor, Jeevan Vihar Building
Sansad Marg
New Delhi – 110001.
Dated: 9th March 2020.

IN THE MATTER OF

Mr. Subodh R. Raje

..... Appellant

Vs.

Central Public Information Officer (CPIO)
Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, Shankar Market
New Delhi – 110001.

..... Respondent

ORDER

1. Mr. Subodh R. Raje preferred this appeal against the order of the respondent in RTI Registration Number: ISBBI/R/2019/00055 *vide* letter number IBBI/BS/RTI/RTI APP/246/3079 dated 18-12-2019 before this First Appellate Authority (FAA).
2. The appellant had requested for the following information in the RTI application, under section 6 of the Right to Information Act, 2005 (22 of 2005) (Act) and the reply that was given by the respondent is as under:

Sl No	RTI Query	Reply
1.	<i>“Kindly let me know, what is the subject in Valuation in plant and machinery that all these above engineering disciplines have in common, in the under-graduation course, that makes them eligible to be allowed for the purposes of appearing in the IBBI entrance examination.</i>	<i>The information sought is beyond the purview of IBBI. IBBI discharges the function of the Authority under the Companies (Registered Valuers and Valuation) Rules, 2017 (“Rules”) and undertakes registration in accordance with the provisions of the Rules. The Rules, inter alia, provides the qualification and experience required to be a registered valuer.</i>

2.	<i>Kindly let me know the reason why an engineering discipline like say Agricultural Engineering or Mining Engineering, etc is left out</i>	<i>Information sought is of the nature of seeking opinion and does not fall within the definition of Information under the RTI Act.</i>
3.	<i>Kindly let me have the copy of the particular circular which mentions the above mentioned specific various departments to be allowed to appear for the exam.</i>	<i>Rule 4 of the Rules prescribe the qualification and experience to be a registered valuer. Further, Annexure IV of the Rules, in an indicative manner, specify the education and experience for various asset classes. Please be guided by the same.”</i>

3. The appellant has preferred this appeal on the grounds that the FAA may let the appellant know the name of the appropriate authority to appeal to for his queries no 1 & 2. He also wants to know under this appeal the reason why an engineering discipline like say Agricultural Engineering or Mining Engineering, etc., is left out.
4. Section 2(f) of the Act is reads: *“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;”* However, in the instant matter, the respondent informed the appellant that the information sought is beyond the purview of IBBI and then proceeded to give some details about the powers and functions of the Insolvency and Bankruptcy Board of India (IBBI) as the Authority under the Companies (Registered Valuers and Valuation) Rules, 2017. The respondent further informed the appellant by saying that information in the nature of seeking opinion does not fall within the definition of information under the Act.
5. It is worth considering the decision of the Hon’ble Supreme Court in *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.* (Civil Appeal No. 6454 of 2011), wherein it was, inter alia, held: *“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.”*

6. It is evident from the facts of the matter and in the light of the judgment of the Supreme Court, the respondent is not required to provide information on the basis of any inferences or assumption and is only required to provide information regarding any material available on record. Hence, the action taken by the respondent cannot be found fault with.
7. This appeal has no merits and thus dismissed.

(Sd/-)

(K. R. Saji Kumar)

Executive Director and First Appellate Authority

Copy to

1. Appellant, Mr. Subodh R. Raje.
2. CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, New Delhi.