

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

2nd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi- 110 001
Dated: 4th October, 2020

IN THE MATTER OF

Mr. Sanjay Beri

..... 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. This appeal preferred *vide* letter dated 4th September 2020 [received by this First Appellate Authority (FAA) on 7th September 2020], is borne out of the application under Right to Information (**RTI**) Registration No. ISBBI/R/T/20/00019. The information sought by the appellant under section 6 of the Right to Information Act, 2005 (**Act**) and the reply given by the respondent are as under:

RTI Registration No. ISBBI/R/E/20/00095		
Sl. No.	Information Sought	Reply by CPIO
1.	<i>Please issue entire set of certified and attested copy of all documents and written communication between all parties including all information relation to actions taken by Insolvency and Bankruptcy Board of India pertaining to complaint bearing reference number COMP-11011/123/2019-IBBI/180 filed against Insolvency Resolution Professional Mr.Raj Kumar Ralhan having IP Reg. No. IBBI/IPA-001/IP-P00981/2017-2018/11614 under RTI Act, 2005.</i>	<i>The matter is under process and hence, is exempted from disclosure under Section 8(1)(h) of the RTI Act, 2005.</i>

2. In this appeal, the appellant has requested the FAA to share all other information which can be shared and also the stage of investigation process as it has not received any update from the Board since February 2020.
3. On the contrary, the respondent has submitted that the '*matter is still under inspection and pending with Inspection Authority*'. Hence, no further information can be shared with the appellant.
4. It is understood that the FAA has no power or authority under the Act to share any information with the appellant as requested for but can only deal with the appeal under the provisions of the Act. It may be seen that the respondent has informed the appellant that the matter was under process, and further that the requested information was exempted from disclosure under section 8(1)(h) of the Act. This FAA, therefore, finds that the appellant has neither challenged the information provided by the respondent nor questioned the denial of the requested information on the basis of exemption provided under section 8(1)(h) of the Act. Hence, the appellant has no grievance against the information provided by the respondent. Rather, the appellant is attempting to get fresh information in this appeal, which is evident from his request in the appeal to the FAA to "*share all other information which can be shared and also the stage of investigation process as it has received any update from the Board since February 2020.*" This FAA is of opinion that that such a request in appeal is not permissible under the Act and will result in expansion of scope of the original RTI application. In this regard, the Hon'ble CIC in its order in the matter of *Shri Harish Prasad Divedi Vs. Bharat Petroleum Corporation Ltd.* [Case No. CIC/LS/A/2013/001477SS] observed the following:

"7. Having heard the submissions and perused the records, the Commission agrees with the Respondents that the information now sought by the Appellant in the present appeal did not form part of his original RTI application. Therefore, the Commission is not in a position to allow the disclosure of the information which had not even been sought by the appellant in his RTI application. An information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. No disclosure can, therefore, be directed to be made in the present appeal of the Appellant."

5. Further, the appellant has stated that he was unable to file the appeal within the prescribed time limit of 30 days as he was unable to procure postal order from the post office due to Covid-19 situation. Since the letter of the appellant is treated as appeal and is dealt with as such, question of condonation of delay does not arise. However, it is noted that there is no requirement of any fee for preferring appeal under the Act, and, hence, it is ordered that the postal orders bearing Nos. 47C 402580; 45C 597780; 45C 597781 and 45C 597782 of denomination of Rs. 5/- each be returned to the appellant.
6. In terms of the above, the appeal is disposed of.

(Sd/-)

(K. R. Saji Kumar)

Executive Director and First Appellate Authority

Copy to:

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