

**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: 15th July 2021

RTI Appeal Registration No. ISBBI/A/E/21/00014

IN THE MATTER OF

Mr. Gaurav Tiwari

... 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 present Appeal No. ISBBI/A/E/21/00014 dated 22nd June, 2021, has been filed by Mr. Gaurav Tiwari (Appellant), before the First Appellant Authority (FAA), Insolvency and Bankruptcy Board of India (IBBI) under the Right to Information Act, 2005 (RTI Act), against the disposal of the RTI Application No. ISBBI/R/E/21/00098 by the Central Public Information Officer - CPIO (Respondent) on 4th June, 2021.
2. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record. In this appeal, the Appellant has stated the following:

“... on the fifth question the CPIO have given a link while had asked the names of industries. Now the link have several knowledge. It is very hard for a applicant to find out the specific details in such situation. Despite of asking specific question the CPIO have not provided the names. Instead provided the link.

I would like to have the details asked as soon as possible. The applicant have waited for a long time for information. I would like to ask appellate authority to impose fine Rs 250 each day till applicant gets the correct information.

- The question was as follows

(5- I would like to the names of companies which were found bankrupt and insolvent between March 2017 to April 2019 and March 2020 to April 2021.)”

3. The present appeal is, thus, limited with respect to the response of the CPIO on his fifth query as quoted above and referred to in his application dated 11th May, 2021. It is noted that with regard to this query, CPIO, vide communication dated 4th June, 2021 informed the appellant that— “*The information can be accessed via following link: <https://ibbi.gov.in/public-announcement>”.*

4. The claim of the appellant is that it is very hard to find out the specific details from the link provided by the CPIO as the said link has several information. I note that the web-link shared by CPIO contains details of public announcements which have been issued under the Insolvency and Bankruptcy Code, 2016. A public announcement is issued pursuant to Order of Adjudicating Authority for initiation of corporate insolvency resolution process (CIRP) against a corporate debtor (CD). Therefore, from the said link names of companies against whom a CIRP was initiated between March 2017 to April 2019, and March 2020 to April 2021 can be accessed, seen and procured by the applicant. I am of the view that this kind of requests in the RTI application and the appeal would go against the letter and spirit of the RTI Act and affect the regular work the respondent. In this regard, it is useful to refer to the following observations of the Hon’ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.* (Judgment dated August 9, 2011):

“Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising ‘information furnishing’, at the cost of their normal and regular duties.”

5. I note that the respondent provided the readily available information to the appellant in the manner that could be done by him within the scope of the RTI Act. In my view, the

form in which the appellant is insisting the information from the CPIO will result in disproportionate diversion of resources of Insolvency and Bankruptcy Board of India. In this regard, it is pertinent to refer to section 7(9) of the RTI Act, which provides that - *An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.*”

6. I do not find any larger public interest for a direction to collate and compile the details of information and to provide the same to the appellant in the manner as he desires. Despite this, if the respondent resorts to provide such information after collating and compiling the same in a single point, it would have to devote very large amount of resources and time. Such exercise would defeat ‘the practical regime of right to information’ as envisaged in the preamble of the RTI Act and would disproportionately divert the resources of IBBI. I note that the Hon'ble CIC in the matter of *Shri Praveen Agarwal Vs. SEBI (Order dated October 1, 2008)* held that it is not open to appellant to saddle a public authority with elaborate queries, response to which could not be given without the public authority straining itself to wade through large volumes of information and data. Section 7(9) clearly forbids this form of disclosure. As the information sought by the appellant is available in public domain in the link provided, the respondent did not have any obligation to create a specific format to provide the same to the appellant. Hence, in my view, the response of the respondent is in line with provisions of section 7(9) of the RTI Act which permits the respondent to provide the information in a manner other than that insisted by the appellant in these situations.
7. In view of the above, no interference with response of the CPIO is called for. All prayers in the appeal are disposed of accordingly.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

1. Appellant, Mr. Gaurav Tiwari.
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