

**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: 16th August 2022

IN THE MATTER OF

Dr. Debaprasad Bandyopadhyay

... 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 present Appeal dated 18th July 2022, challenging the communication of Respondent dated 5th July 2022 whereby he had denied the information requested by the Appellant *vide* his RTI Application No. ISBBI/R/E/22/000159 dated 21st June 2022 filed under the Right to Information Act, 2005 (RTI Act). In the RTI Application, the Appellant had requested as under –

“What is the identity Mr. Ajay Piramal’s Housing Finance Company? Is it Piramal Capital and Housing Finance (PCHF) or simply Piramal Finance? It has been noticed that Piramal CHF is missing from almost all the social and print media platforms, while Piramal Finance is being foregrounded. The question is: who bought Dewan Housing Finance Corporation Limited (DHFL) then? Piramal CHF or Piramal Finance?”

2. The Respondent denied the information stating that the *“Information sought is in the nature of seeking opinion/ suggestion and the same is not covered under the definition of information under section 2(f) of the RTI Act, 2005”*
3. In his Appeal, the Appellant has stated that:

“I am not at all satisfied with the answer provided by Mr. Rajesh Kumar, CPIO. I have not been seeking any "opinion, suggestion" about the ownership status of the Dewan Housing Finance Corporation Limited (DHFL).

My simple question is:

Who is the current owner of the DHFL?

The same can be answered by the concerned authority in specific legal terms, without resorting to any dubitable "opinion.....”

4. I have carefully examined the Application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record. 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. 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.

5. The aforesaid definition contemplates providing of material in the forms of records, documents, opinions, advice, etc. Section 2(j) of the RTI Act defines the “*right to information*” in term of information accessible under the Act which does not include “*seeking opinion*”. It is pertinent to note that the Hon’ble Supreme Court of India has in the matter of *Central Board of Secondary Education & Anr Vs. Aditya Bandopadhyay & Ors.* [(2011) 8 SCC 497] observed that “*A public authority is “...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. The Appellant has requested for clarity on Mr. Ajay Piramal’s Housing Finance Company and what is the identity of Piramal CHF and Piramal Finance, and who has bought DHFL. Such queries are inquiries requesting for answers/clarifications from the Respondent and are beyond the scope of ‘information’ and ‘right to information’ under the RTI Act. In this regard, it is 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.”
7. I therefore find no reason to interfere with the decision of the Respondent. Accordingly, the Appeal is disposed of.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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