

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

2nd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi - 110 001
Dated: 20th August, 2020

RTI Appeal Registration No. ISBBI/A/E/20/00015

IN THE MATTER OF

Mr. Anil Syal

..... 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 is borne out of the application under Right to Information (RTI) Registration No. ISBBI/R/E/20/00100. 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:

<i>Sl. No.</i>	<i>Information Sought</i>	<i>Reply by CPIO</i>
1.	<i>How many petitions have been filed under Section 94 of the IBC code of 2016, since it got notified in 2019.</i>	<i>The information required is available in various newsletters of IBBI starting from the newsletter for October-December 2019.</i>
2.	<i>How many of these (Section 94 petitions) are in the New Delhi bench of NCLT.</i>	<i>These can be accessed from the "publications" tab on IBBI's website: www.ibbi.gov.in.</i>

2. The ground of appeal according to the appellant is: *Provided Incomplete, Misleading or False information.*
3. In this appeal, the appellant has submitted that the information provided in the Newsletter (as referred to by the respondent) states that '*all over India only ONE petition in Amravati Bench has been filed, as of 31 March 2020*'. In response to this, the appellant has submitted that an application was filed by him on 13th July, 2020 before the National Company Law Tribunal, New Delhi bearing I.A. No. ____ of 2020 in Company Petition No.(IB)-589/PB/2020 under Section 94 of the Insolvency and Bankruptcy Code, 2016 ('**Code**'). Accordingly, the appellant has reiterated that the information pertaining to (i) total number of applications under section 94 of the Insolvency and Bankruptcy Code filed in NCLT, filed all over India, and (ii) total number of such applications filed in Delhi, should be provided.

4. In this regard, the respondent has submitted that as per page 22 of the Quarterly Newsletter of January – March 2020, it is provided that *‘the provisions relating to insolvency resolution and bankruptcy relating to personal guarantors (PGs) to CDs came into force on December 1, 2019. As per the information received from IPs, three applications have been filed under these provisions, before the AA by the end of March, 2020. One application has been filed by a PG under section 94 of the Code in Amravati Bench of the AA and other two applications have been filed by the creditors under section 95 of the Code in Ahmedabad bench of AA.’*
5. On perusal of the Quarterly Newsletter of the Insolvency and Bankruptcy Board of India (IBBI) for the quarter January to March 2020, this FAA noted that the information has already been provided in the Newsletter of the IBBI is as on 31st March 2020. However, the information requested by the appellant is as on 16th July, 2020 i.e. the date on which the RTI was filed and not as on 31st March 2020. Accordingly, the respondent ought to have provided the information as requested by appellant and as available with the IBBI as on 16th July 2020 and not as on 31st March 2020. Therefore, the respondent is hereby directed to provide the information as requested by the appellant as available with IBBI as on 16th July 2020 by 25th August 2020.
6. Accordingly, this appeal is allowed with the above directions to the respondent.

(Sd/-)

(K. R. Saji Kumar)

Executive Director and First Appellate Authority

Copy to:

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