

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

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circus, New Delhi -110001

Dated: 18th September, 2024

RTI APPEAL REGISTRATION NO. ISBBI/A/E/24/00026

IN THE MATTER OF

Nutan Vazkar

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan, Shankar Market,

Connaught Circus, New Delhi -110001.

... Respondent

ORDER

1. The Appellant has filed present Appeal dated 18th August 2024, challenging the communication of the Respondent dated 23rd July 2024 with regard to his RTI Application No. ISBBI/R/E/24/00116 dated 19th June 2024 filed under the Right to Information Act, 2005 (RTI Act). As this Appeal required detailed examination of provisions of RTI Act, same is disposed within 45 days instead of 30 days.
2. The request of the Appellant and the reply of the Respondent was as follows –

Appellant	Respondent
Mumbai-400607 20th June 2024 To, Shri Ritesh Kavdia, Executive Director The Nodal Officer, Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Connaught Place, New Delhi- 110001 Dear sir, Sub: Request for information under RTI Act 2005. 1) I, Nutan Vazkar, son of Sri Vishnu Gajanan Vazkar, aged 65 years, residing at the place detailed in the website form wish to seek the information as under: 2) I uploaded a complaint to the Grievances page of the IBBI website vide Registration No: IBBI/C/2024/01103 dated 28-03-2024 at 16:28 PM 3) As per Section (6)(3) and (6)(4) of the INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (GRIEVANCE AND COMPLAINT HANDLING PROCEDURE) REGULATIONS, 2017, The Board either shall close the grievance within thirty days of its receipt if it does not require any redress OR The Board shall direct the service provider to redress the grievance within thirty days of its receipt if it requires any redress. 4) Even after 80 days, I have not been informed about the status of my complaint. In view of the same, I request to furnish the status of my complaint under the RTI Act 2005 5) I hereby inform you that the following formalities have been completed by me. 5.1) I have deposited the requisite fee of Rs10/- through this website. 5.2) I am a Citizen of India, and I am asking for this information as a Citizen. 5.3) I assure you that I shall not allow/cause to	The matter is under examination.

use/pass/display/or circulate the information received in any case and under any circumstances, with any person or in any manner which would be detrimental to the unity or sovereignty or against the interest of India.	
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3. In the appeal, the Appellant has stated the following –
“With reference to the above letter, I would like to appeal against the Order of the Nodal Officer due to the following reasons:
 - 1) *The Reply” The matter is under examination” does not redress my grievance in any manner.*
 - 2) *I uploaded a complaint in the Grievances page of the IBBI website vide Registration No: IBBI/C/2024/01103 dated 28-03-2024 16:28 PM*
 - 3) *As per Section (6)(3) and (6)(4) of the INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (GRIEVANCE AND COMPLAINT HANDLING PROCEDURE) REGULATIONS, 2017, The Board either shall close the grievance within thirty days of its receipt if it does not require any redress OR The Board shall direct the service provider to redress the grievance within thirty days of its receipt if it requires any redress.*
 - 4) *Even after 120 days, I understand that “the matter is under Examination”. This is against the letter and spirit of IBC-2016.*
 - 5) *My grievance is against the Liquidator of the Corporate Debtor m/s Titanium Tantalum Products Ltd vide Liquidation Order TCP/413/IB/CB/2017 dated 12th June 2018 at NCLT, Chennai and in turn against the suspended Director Mr T.Jeyananth under sec 66 of the IBC-2016.I submitted all the prima facie material evidence in my complaint and further stated that I have detailed material evident in about 100MB in soft form and the same can be handed over to the Disciplinary Committee/Investigating Officer if desired by the authorities. Till date, nobody has contacted me in this regard.*
 - 6) *In the meanwhile, Hon’ble NCLT, Chennai passed an order in Petition No: CP(IB)/176(CHE)/2021 dated 9th July 2024 initiating Insolvency Resolution Process against the Personal Guarantor Mr T.Jeyananth and appointed RP for the same.*
 - 7) *Hence, I need to know the status of my Grievance in recovering unpaid salary due as an “operational creditor”.*
 - 8) *In case my grievance is not processed expeditiously, grave injustice will be done to me as all the remained assets of the suspended director/personal Guarantor will be apportioned to the creditors who have filed their claim with the RP under CP(IB)/176(CHE)/2021 dated 9th July 2024*
In view of the above, I appeal against the reply furnished by the Nodal Officer as “The matter is under examination” and solicit a detailed order from you indicating the status of my grievance under the RTI Act-2005.”
4. I have carefully examined the application, the response of the Respondent and the Appeal. Before examining the request, I deem it appropriate to deal with scope of ‘information’ and right to receive the information under the RTI Act. It is noted that 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. It does not include giving opinions on issues raised or providing clarifications or advice to inquiries. Section 2(j) of the RTI Act defines the “*right to information*” in term of information accessible under the Act which is held by or is under the control of a public authority and which can be disclosed subject to exemptions under section 8 of the RTI Act. Thus, if the public authority holds any ‘information’ in the form of data, statistics, abstracts, etc. an applicant can have access to the same under the RTI Act subject to exemptions under section.
6. The Appellant has asked for query as to the status of the grievance with Registration No: IBBI/C/2024/01103 dated 28-03-2024. The Respondent has replied stating that the same is under examination. The Respondent is expected to provide information as available on record. As the complaint is under examination, no further information on the status of the complaint can be provided by the Respondent. As the information available on record has already been provided to the Appellant by the Respondent, no fault can be found with his decision. The CPIO cannot be expected to create and provide any other information which could be assumed or imagined by the information seeker. The Hon’ble CIC in *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances & Pension, Department of Personnel & Training, North Block, New Delhi -110001, File No: CIC/MPERS/A/2017/158527/SD* (Decision dated 06.05.2019), has observed that:
“Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarify/deduct information in respect of queries/clarifications. Similarly, redressal of grievance, non-compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act.”
7. It also appears that the Appellant is aggrieved by the status provided and has referred provisions of the Insolvency and Bankruptcy Board of India (Grievance and Complaint Handling Procedure) Regulations, 2017. Such grievances of the Appellant cannot be dealt under RTI Act. As stated in the Guide on the RTI Act issued by the DoPT under OM No. 1/32/2013-IR dated 28th November 2013 - “*The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to furnish information which require drawing of inference and/or making of assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.*”
8. Accordingly, in view of above, the Appeal is disposed of.

Sd/

(Jithesh John)

First Appellate Authority

Copy to:

1. Appellant, Nutan Vazkar.
2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110 001.