

**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: 24th September, 2024

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in RTI Appeal
Registration No. ISBBI/A/E/24/00029**

IN THE MATTER OF

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

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1. The Appellant has filed the present Appeal dated 24th August 2024, challenging the communication of the Respondent dated 23rd August 2024 in his RTI application no. ISBBI/R/X/24/00001. As this Appeal required detailed examination of provisions of RTI Act, same is disposed within 45 days instead of 30 days. In his RTI application filed under the Right to Information Act (RTI Act), the Appellant had requested for the following -
- “Kindly inform me regarding the total expenditure (with break up) in the RBI-appointed Committee of Creditors for the Dewan Housing Finance Corporation Limited (DHFL).*
- With reference to the above, please also inform me with regards to the following:*
- 1. The amount of money reserved for the resolution professionals belonging to the CoC for DHFL for the purpose of future expenditure in litigation purposes.*
 - 2. What is the source of this money for future expenditure in the court of law? Please answer in precise and specific terms, satisfying the aforementioned queries. Please do not refer to any online documents since I am not a tech-savvy person.”*
2. The Respondent has stated that “The data pertaining to CIRP is not is not maintained by the Board in the manner as sought by the applicant.”. Aggrieved by the same, the Appellant has filed the present appeal stating the following –
- “With reference to my RTI, I would like to raise this appeal as an aggrieved Indian citizen. The information sought as part of my erstwhile application was with regard to the RBI-appointed CoC for DHFL's total expenditure. Now, my precise questions are:*
- a) How did the same RBI (that appointed the CoC for DHFL in 2019) along with the IBBI (dealing with insolvency related information) could not provide me with certain information regarding the RBI-appointed CoC for DHFL, the first shadow bank that was put under the IBC (2016)?*
 - b) Can you please tell me the concerned authority that can answer my previously raised queries by supplying me with the necessitated information?”*

3. 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. 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."* 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. While the "right to information" flows from section 3 of the RTI Act, it is subject to other provisions of the Act. 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. 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 8.

4. The Appellant has requested for fact specific replies from Respondent with respect to conduct of proceedings in the matter of DHFL. Such inquiries are not covered in the scope of 'information'. The Respondent cannot be expected to find the amount reserved or the source for the funds in the insolvency proceedings of DHFL. The Respondent is expected to provide information as available on record and not interpret the information available on record. Further, as held by Hon'ble Supreme Court of India in its judgment dated August 9, 2011, in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.*, inter alia, that: *"A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also 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..."* Further, 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 also 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."*

5. 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."*

6. Further, the queries as to how RBI and IBBI could not information regarding the RBI-appointed CoC for DHFL and who is the competent authority to answer queries of the Appellant, are in nature of inquiries soliciting response of the Respondent, and beyond the scope of right to information under the RTI Act. The Respondent is not bound to respond to such inquiries under the RTI Act. In this regard, it is also 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. In view of the above, I do not find any reason to interfere with the response of the Respondent. Accordingly, the Appeal is disposed of.

Sd/
(Jithesh John)
First Appellate Authority

Copy to:

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