

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

2<sup>nd</sup> Floor, Jeevan Vihar Building  
Sansad Marg, New Delhi - 110 001

**Dated: 09<sup>th</sup> November, 2021**

**RTI Appeal Registration No. ISBBI/A/E/21/00027**

**IN THE MATTER OF**

**Amrita Khandelwal**

... Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India

2<sup>nd</sup> Floor, Jeevan Vihar Building

Sansad Marg, New Delhi - 110 001.

... Respondent

**ORDER**

1. The Appellant has filed the present Appeal dated 14<sup>th</sup> October 2021, challenging the communication of Respondent dated 8<sup>th</sup> October 2021 with regard to her RTI Application No. ISBBI/R/E/21/00159 dated 23<sup>rd</sup> September 2021 filed under the Right to Information Act, 2005 (RTI Act).
2. The Respondent had denied the information asked by the Appellant stating that the data regarding performance of participants, including time taken by them, in the Quiz was captured by Mygov and Mygov has processed the said data and identified the winners. The details shared by Mygov with Insolvency and Bankruptcy Board of India (IBBI) does not include the time taken by winners or other participants.
3. Being aggrieved by the above decision of the Respondent, the Appellant has filed this appeal submitting that *“as in Aug -21 Quiz on IBC was conducted by IBBI in collaboration with mygov, & results was announced in Sept-21, I have attempted the quiz & done in very minimum time . It seems there is some discrepancy in IBBI results. Therefore requested to you please provide the time taken by each winner. As one of Quiz condition was Maximum correct questions in minimum time, so results was not announced as per the mentioned condition. Therefore please provide the time taken by winners, so I can see mentioned condition has been complied.”*
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. 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.”* It is relevant to mention here that 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 terms 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.

5. The aforesaid definitions contemplate providing of material in the forms of records, documents, opinions, advices, etc. which is held by or is under the control of a public authority and not exempted under the provisions of the RTI Act. In this case, in her Application dated 23<sup>rd</sup> September 2021, the Appellant had mainly asked all details of winners regarding time taken in IBC quiz in August-2021. This information is neither held nor controlled by IBBI as communicated by the Respondent in the impugned communication. Accordingly, the same cannot be provided by the Respondent.
6. In this regard, it is also relevant to mention that the Hon’ble CIC in *Mr. Subrata Guha Ray Vs. CPIO*, Appeal No. CIC/SB/A/2016/001025/CBECE-BJ (Order dated 03.03.2017), has inter-alia observed that:  
*“.... under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions.”*
7. The Hon’ble CIC also in its decisions dated August 24, 2011, in the matters of *R. K. Goel & Anr. Vs SEBI and K. L. Wadhwa Vs. SEBI*, has made it clear that SEBI cannot be compelled to access the desired information from whomsoever holds it solely for the purpose of sharing it with the information seeker.
8. In view of the above settled position of law, I find that the Respondent cannot provide the information which is not held by it and has no control over, and cannot be compelled to access the desired information. Therefore, no interference with response of the CPIO is called for.
9. The Appeal is disposed of accordingly.

**Sd/**  
**(Santosh Kumar Shukla)**  
First Appellate Authority

**Copy to:**

1. Appellant, Amrita Khandelwal.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2<sup>nd</sup> Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.