

**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: 13th July, 2022

RTI Appeal Registration No. ISBBI/A/E/22/00024

IN THE MATTER OF

Mohit Rasiklal Mehta

... 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 the present Appeal dated 18th June 2022, challenging the communication of the Respondent dated 17th June 2022 with regard to his RTI Application No. ISBBI/R/E/22/00124 dated 18th May 2022 filed under the Right to Information Act, 2005 (RTI Act). In the RTI Application, the Appellant has requested for the copy of the electronic record of the online public CEP held on 29th April 2022 organised by IOV Registered Valuers Foundation (IOVRVF).
2. The Respondent has stated that the said information is not available and provided the contact e-mail of the IOVRVF to the Appellant for seeking the information.
3. Aggrieved by the response of the Respondent, the Appellant has broadly submitted that: –
 - a. As per RTI Act, when the information is not available with IBBI and is available with an RVO which is under direct control of IBBI, the IBBI can always demand information from the RVO and provide to the Appellant.
 - b. The Appellant has contacted the IOVRVF officers for the recording, but the same was denied.
 - c. There is a complaint against the Appellant regarding his conduct in the said session and so there is need to know as to what happened making him not fit and proper person.
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.*". 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. It is also clear that the “right to information” under section 3 of the RTI Act is circumscribed by RTI Act itself as the right is limited within scope of ‘information’ as defined under section 2(f) and is subject to other provisions including those under section 8 of the Act.

5. In the instant case, the Appellant has is requesting IBBI to demand a copy of the recording of the said session from the RVO and provide it to the Appellant. The RVOs are recognized under the Companies (Registered Valuers and Valuation) Rules, 2017 (the Rules) for development and regulation of the valuation profession. They have the responsibility to admit, develop, monitor and discipline the members of the profession, to conduct educational courses and continuing professional education on valuation for three different asset classes namely Land & Building (L&B), Plant & Machinery (P&M) and Securities or Financial Assets (SFA). They are section 8 companies registered with IBBI. They cannot be said to be a ‘public authority’ within the meaning of the expression under section 2(h) of the RTI Act. Accordingly, it is not in the power of the Respondent to source the information from them or direct them to provide information under the provisions of the RTI Act.
6. Further, the Respondent is under obligation to disclose information which is available and is held by him. He is not expected to source information from private parties under the RTI Act, and then provide the same to Appellant. Accordingly, no further information could have been provided by the Respondent to the Appellant.
7. In view of the above, I find no reason to interfere with the decision of the Respondent. The Appeal is disposed of accordingly.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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