

**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: 14<sup>th</sup> July, 2022**

**RTI Appeal Registration No. ISBBI/A/E/22/00025**

**IN THE MATTER OF**

**Mohit Rasiklal Mehta**

... 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 18<sup>th</sup> June 2022, challenging the communication of the Respondent dated 02<sup>nd</sup> February 2022 with regard to his RTI Application No. ISBBI/R/T/22/00001 dated 5<sup>th</sup> January 2022 filed under the Right to Information Act, 2005 (RTI Act). In the RTI Application, the Appellant has requested for the membership number issued by Registered Valuers Organisations (RVOs) for eight registered valuer entities (RVEs).
2. The Respondent had provided the membership numbers for different asset classes for those eight RVEs.
3. Aggrieved by the response of the Respondent, the Appellant has broadly submitted that: –
  - a. The Respondent has provided incomplete and misleading information.
  - b. The membership number can only be one and cannot be three as stated by the Respondent.
  - c. As per section 247 of the Companies Act 2013, it is not possible for entity to become a member of RVO, hence the appeal is filed to get membership number of 8 entities participated in public procurement tenders of DIPAM.
  - d. Lastly, if such information is not provided, it will not be possible to file a complaint in the proper forum regarding illegally practicing entities as RVEs.
4. I have carefully examined the application, the response of the Respondent and the Appeal. As per section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the date of receipt of the response from the CPIO. In the instant case, the Appellant should have filed the first appeal by 4<sup>th</sup> March, 2022. However, as noted above, the Appellant has filed this first appeal on 18<sup>th</sup> June, 2022 i.e. more than 3 months after the last date permissible under the RTI Act. In this Appeal, the Appellant has neither requested for condonation of delay nor made any submission regarding the reason for the delay. In the

absence of any reason that prevented the appellant from filing the first appeal in time, I consider this Appeal as time barred and hence, liable to be dismissed.

5. Notwithstanding the above observation, I am tempted to examine the information request in the interests of transparency that is the paramount objective of the RTI Act. 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. 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. The inclusive list provides for the right to - (i) *inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.* 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.*
6. 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 thus, 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.
7. The Respondent has provided with membership numbers of RVO as available on record. The reason for providing different membership numbers is that they pertain to different asset classes. Accordingly, no further information could have been provided by the Respondent.
8. 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, 2<sup>nd</sup> Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.