

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

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circle, New Delhi- 110 001

Dated: 04th October, 2024

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in RTI Appeal
Registration No. ISBBI/A/E/24/00035**

IN THE MATTER OF

Jitender Kumar Jain

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circle, New Delhi - 110 001.

... Respondent

1. The Appellant has filed the present Appeal dated 05th September 2024, challenging the communication of the Respondent dated 05th September 2024 in his RTI application no. ISBBI/R/E/24/00160.
2. The query raised in the RTI Application filed under the Right to Information Act (RTI Act), and the reply of the Respondent is as follows –

Information sought	Reply
<i>Please provide the following data for the period starting from 1 April 2022 onwards: Numbers of cases investigated by IBBI.</i>	<i>Till 31 August 2024, a total of 501 investigation have been conducted by IBBI.</i>
<i>Number of cases investigated by IBBI as per point 1 wherein the violation of the section of the IBC, main act and not regulations, were found.</i>	<i>The Board does not maintain data in the manner as sought by the applicant.</i>
<i>Number of cases as per point 2 wherein IBBI only issued advisory for violation of the sections of the IBC, main act and not regulations, and did not take any disciplinary action.</i>	<i>The Board does not maintain data in the manner as sought by the applicant.</i>

3. The Appellant aggrieved by the same, has filed the present appeal stating the grounds that being “*Refused access to Information Requested.*”
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. 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.

5. With regard to point 1, the Respondent has provided the available information. IT is not clear from the Appeal, as to how the Appellant is aggrieved by the response of the Respondent.
6. With regard to point 2 and 3, the Appellant has asked for the collation of number of investigation cases under specific heads. It is important to note that all Orders of the Disciplinary Committee of the IBBI are placed on the website of IBBI. The Appellant’s request will require huge compilation of data at the end of IBBI involving going through all Orders of the Disciplinary Committee and a large number of investigation reports, and the RTI Act cannot be used to compel the compilation of the data in the format requested by the Appellant.
7. I am of the view that this kind of requests in the RTI application and the appeal would go against the letter and spirit of the RTI Act and affect the regular work of the Respondent. In this regard, it is useful to refer to the following observations of the Hon’ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.* (Judgment dated August 9, 2011):

“Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising ‘information furnishing’, at the cost of their normal and regular duties.”

8. In my view, the form in which the appellant is insisting the information from the CPIO will result in disproportionate diversion of resources of Insolvency and Bankruptcy Board of India (IBBI). In this regard, it is pertinent to refer to section 7(9) of the RTI Act, which provides that - *An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.”*

9. Also, I do not find any larger public interest for a direction to collate and compile the details of information and to provide the same to the Appellant in the manner as he desires. Such exercise would defeat '*the practical regime of right to information*' as envisaged in the preamble of the RTI Act and would disproportionately divert the resources of IBBI. I note that the Hon'ble CIC in the matter of *Shri Praveen Agarwal Vs. SEBI (Order dated October 1, 2008)* held that it is not open to appellant to saddle a public authority with elaborate queries, response to which could not be given without the public authority straining itself to wade through large volumes of information and data. Section 7(9) clearly forbids this form of disclosure.
10. In view of the above settled principle of law, 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, Jitender Kumar Jain.
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