

**WHOLE TIME MEMBER AND FIRST APPELLATE AUTHORITY  
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

7<sup>TH</sup> FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 1<sup>ST</sup> OF AUGUST, 2018

Appeal No. ISBBI/A/2018/60010 (F. No. IBBI/AL/RTI/136/Nathaniel Andrews)  
Dated: July 11, 2018

Arising out of Order dated June 29, 2018 under RTI Request No.  
ISBBI/R/2018/50051

IN THE MATTER OF

Shri Nathaniel Andrews ..... Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India  
7<sup>th</sup> Floor, Mayur Bhawan  
New Delhi ..... Respondent

**ORDER**

1. The present Appeal No. ISBBI/A/2018/60010 dated July 11, 2018 received in the office of the First Appellate Authority (**FAA**), Insolvency and Bankruptcy Board of India under the Right to Information Act, 2005 has been preferred by Shri Nathaniel Andrews against the order of the CPIO, Mr. Umesh Kumar Sharma, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/50051.
2. On a detailed perusal of the RTI Application of Shri Nathaniel Andrews, it is observed that the appellant sought the following information from the Insolvency and Bankruptcy Board of India: -
  - (i) “How many cases have been filed under the Insolvency and Bankruptcy Code, 2016.
  - (ii) In how many cases has an IRP (Interim Resolution Professional) been appointed.
  - (iii) In how many cases has a settlement been arrived at, after the appointment of an IRP.

- (iv) In how many cases has the final order been recalled/set aside/ the petition been withdrawn / dismissed, after an IRP was appointed.”
3. The appellant preferred the present appeal on the ground that information provided in the RTI application was incomplete, misleading or false information. He raised the following queries:-
- (i) *“In all the cases filed under the IBC (Insolvency and Bankruptcy Code, 2016), in how many has a settlement been arrived at after the appointment of an IRP (Interim Resolution Professional)*
  - (ii) *In how many cases, filed under the IBC, has the final Order been recalled after the appointment of the IRP*
  - (iii) *In how many cases, filed under the IBC, has the final Order been set aside after the appointment of the IRP*
  - (iv) *In how many cases, filed under the IBC, has the petition been withdrawn after the appointment of the IRP*
  - (v) *In how many cases, filed under the IBC, has the petition been dismissed after the appointment of the IRP”.*
4. The present RTI appeal has been examined and I have perused the response provided by the respondent in respect of the queries raised in the RTI application. In this context, I find that information in respect of the specific query in para 3 in point (i), (ii), (iii), (iv) and (v) above is not available with the Insolvency and Bankruptcy Board of India. Further, the Hon’ble Supreme Court of India in *Thalappalam Ser. Coop. Bank Ltd. & Ors, v. State of Kerala & Ors. (Civil Appeal No. 9017 of 2013)*, while interpreting the term “information” enshrined in Section 2(f) of the RTI Act, 2005 has observed that citizens have a right to get information, but can have access only to the information “held” and under the “control of public authorities”, with limitations. If the information is not statutorily accessible by a public authority, as defined in Section 2(h) of the Act, evidently, that information will not be under the “control of the public authority”.
5. Accordingly, the appeal is disposed of.

**Sd/-**

**(Mukulita Vijayawargiya)**  
Whole Time Member and First Appellate Authority

Copy to

1. Shri Nathaniel Andrews
2. CPIO, Insolvency and Bankruptcy Board of India  
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New Delhi