

**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: 25th October, 2022

RTI Appeal Registration No. ISBBI/A/E/22/00043

IN THE MATTER OF

Ravi Sharma

... 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 present Appeal dated 09th October 2022 challenging the communication of the Respondent dated 16th September 2022 with regard to his RTI Application No. ISBBI/R/E/22/00220 dated 8th September 2022 filed under the Right to Information Act, 2005 (RTI Act). In the RTI Application, the Appellant had requested the following information –
 - a. Please provide me the LFC rules of Insolvency and Bankruptcy Board of India (IBBI).
 - b. What is the status of Pay Revision as on date. That is where is the concerned file. Has approval of Ministry and Department of Expenditure obtained?
 - c. What is the present HRA rate?
 - d. What is the eligibility of Petrol Allowance at AM level?
 - e. Kindly provide list of all allowance and perquisite as on date.
2. The Respondent *vide* impugned communication provided the information as under -
 - a. IBBI follows IRDA's LFC rules.
 - b. Proposal has been forwarded to Ministry of Corporate Affairs. Outcome is awaited.
 - c. HRA is not paid on rate basis.
 - d. Being AM.
 - e. Information is available on at <https://ibbi.gov.in/en/about>
3. Aggrieved by the response of the Respondent, the Appellant has filed this Appeal and has submitted the following :-
 - “1. The amount of LFC given to an employee having a Basic Pay of Rs.28150/- . Is LFC encashable?
 2. Date of forwarding proposal to MCA regarding Pay Revision
 3. What is the amount of HRA paid to different grades of employees (e.g Rs.27000, 30000, etc)
 4. How much liters of Petrol is given as conveyance allowance to Assistant Managers (like 150,180, 200, 220 liters; etc.)
 5. I could not find the list of allowances and perquisites in the link provided. Please provide the PDF document.

Also the CPIO seems not to understand English Language very well. I hope the AA has better command in English to understand my queries.”

4. I have carefully examined the RTI 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.*” 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 8 and exceptions provided in other sections of the RTI Act.
5. I find that the information request of the Appellant in his RTI Application are eligible for information disclosure as they qualify within the scope of ‘information’ section 2(f) and are held and under control of the public authority i.e. IBBI within the ambit of section 2 (j) of the RTI Act and that they do not qualify under any of the exemptions under section 8 the RTI Act or exceptions available in other provisions such as section 7(9), 9, 10 and 11 etc. The Respondent has also not withheld any information on any of these grounds.
6. Having held as above, I note that with regard to first request of the Appellant, the Respondent has informed him that IBBI follows IRDA’s LFC rules. Being aggrieved by this, the Appellant has submitted that he wants to know the amount of LFC admissible to an employee having a Basic Pay of Rs.28150/- and whether the LFC is encashable?. It is noted that the Appellant has asked for information in different manner and Respondent has also not provided the copy of the IBBI’s LFC Rules as asked for by the Appellant in his RTI Application instead has directed him to refer to the IRDA rules. Appellant can’t be left to ask IRDA for its LFC Rules and find out what is paid to the IBBI employees. If there is rule of IBBI on this aspect that should have been given to the Appellant and if IBBI does not have it and has adopted IRDA’s LFC rules and has it on its records, the request of the Appellant as being specific in the Application cannot be denied. I am of the view that the Respondent should provide the information requested in the application to the Appellant as available on record.
7. With regard to the second request about status of pay revision, I note that the Appellant had made specific requests while asking the status such as status of file and approval of Ministry and Department of Expenditure. The Respondent has given a vague and incomplete and incorrect response and has stated that the- “*Proposal has been forwarded to Ministry of Corporate Affairs. Outcome is awaited*”. If the letter sent by IBBI to MCA for its views and confirmation is

available, the copy should have been shared with the Appellant. Being aggrieved by such response, the Appellant has now asked only the “date” of sending the letter to MCA which can’t be denied at this stage. I direct Respondent accordingly.

8. With regard to the information request on House Rent Allowance (HRA) rate, I note that the Appellant asked for the HRA rate and Respondent responded that the HRA is not paid on rate basis in IBBI. It is noted that the Appellant has desired to know the amount of HRA paid to IBBI employees and is aggrieved by the response of Respondent in this regard. In my view, such information, if not claimed to be exempted should be provided.
9. With regard to the information request on petrol allowance at the level of Assistant Manager, the Appellant has asked for “*What is the eligibility of Petrol Allowance at AM level?*” to which the Respondent has replied that “*being AM*” is the eligibility. It is noted that the Response of the Respondent is unclear. The Appellant wants to know the eligibility of petrol allowance / conveyance allowance in terms of litres, provided to an Assistant Manager. In my view, such information, if not claimed to be exempted should be provided.
10. With regard to information request on list of all allowances and perquisites, the Respondent had referred the Appellant to the link <https://ibbi.gov.in/en/about> . On perusal of the link, it is found that the link contains the details of pay-scales and not the list of allowances and perquisites admissible to the employees of IBBI. In my view, such information, if not claimed to be exempted should be provided.
11. In view of the above, the Respondent is directed to provide the requested information as available on record, within 10 days of the date of this Order. The Appeal is, accordingly, disposed of.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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