

WHOLE TIME MEMBER AND APPELATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

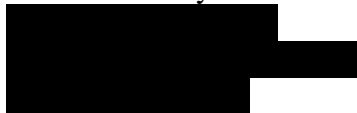
DATED, THE 12TH AUGUST 2017

Appeal No. ISBBI/A/2017/60001 (F. No. IBBI/AL Div./RTI APPEAL/2017-18/1)
Dated: 24.08.2017

arising out of rejection order of RTI application No. ISBBI/R/2017/50006

IN THE MATTER OF:

Mr. Suresh Goyal



..... Appellant

Versus

Central Public Information Officer,
Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, New Delhi

..... Respondent

ORDER

The present Appeal ISBBI/A/2017/60001 dated 24.08.2017 received in the office of First Appellate Authority, Insolvency and Bankruptcy Board of India on 24.08.2017 under the Right to Information Act, 2005 has been preferred by Mr. Suresh Goyal against reply of the CPIO, Insolvency and Bankruptcy Board of India with respect to his RTI Application NO. ISBBI/R/2017/50006 dated 05.08.2017. I called for the comments of the CPIO, Insolvency and Bankruptcy Board of India on the said appeal filed by Mr. Suresh Goyal.

2. I have perused the RTI application of Mr. Suresh Goyal and his RTI appeal as well as other material available on record. It is observed that the appellant had filed the RTI application dated 05.08.2017 with CPIO, Insolvency and Bankruptcy Board of India in the form of query regarding Chapter IV of the Insolvency and Bankruptcy Code, 2016 and corresponding rules to the Chapter IV of the Code. The CPIO, Insolvency and Bankruptcy Board of India rejected the RTI application of the appellant on 21.08.2017 stating that information relating to Chapter IV of which part of the Insolvency and Bankruptcy Code, 2016 has not been specified in the application and information sought is not clear.

3. It is pertinent to note that RTI Application NO. ISBBI/R/2017/50006 dated 05.08.2017 has sought information about chapter IV but in appeal ISBBI/A/2017/60001 dated 24.08.2017 chapter VI is being pursued. Thus, the information sought is not clear.
4. The appellant in his appeal has sought information in the form of query as to when it will be notified and what is the status of working on it. It is observed that the information sought by the appellant is not covered under section 2(f) of the RTI, Act, 2005. Under the provisions of section 2(f) of the RTI Act, 2005, the CPIO is responsible for furnishing information available in any material form, including records, documents, memos or any other information.
5. The Central Information Commission in its decision No. CIC/80/A/2006/000045, dated 21.04.2006 in the case relating to Dr. D.V. Rao, Dept. of Legal Affairs Vs. CPIO, Dept. of Legal Affairs, had held that *'the RTI Act does not cast on the public authority any obligation to answer queries in which the petitioner attempts to elicit answer to his queries with prefixes as why, what when and whether. The petitioner's right extends only to seeking information as defined in section 2(f) either by pointing the file document, paper or record etc., or by mentioning the type of information as may be available with the specified public authority.'*
6. Chapter IV in respect of which information is sought in RTI application appears in Insolvency and Bankruptcy Code, 2016 at three places, viz., in Part II, Part III, and Part IV thereof. The appellant has not categorically stated information on Chapter IV of which part of the Insolvency and Bankruptcy Code, 2016 is sought; however information relating to Chapter IV of each part of the Insolvency and Bankruptcy Code, 2016 is as follows:

Part of the Insolvency and Bankruptcy Code, 2016	Chapter	Status
Part II	Chapter IV	Already notified
Part III	Chapter IV	Not notified. A Working Group for recommending the strategy and approach for implementation of the provisions of the Insolvency and Bankruptcy Code, 2016 to deal with insolvency and bankruptcy in respect of (i) Guarantors to Corporate Debtors, and (ii) Individuals having Business, and drafting related Rules and Regulations has been constituted, and information for the same is available in the form of press

		release of IBBI dated 15 th June, 2017.
Part IV	Chapter IV	Already notified

7. Accordingly, the appeal is disposed of.

Sd/-

(Dr. Mukulita Vijayawargiya)
Whole Time Member and Appellate Authority

Copy to: - 1: Mr. Suresh Goyal, [REDACTED]
[REDACTED]

2: CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, New Delhi