

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

2nd Floor, Jeevan Vihar Building
Sansad Marg
New Delhi- 110001.
Dated: 10th April, 2020.

Appeal No. ISBBI/A/E/20/00002

IN THE MATTER OF

Mr. Manoj K Kamra

..... Appellant

Vs.

Central Public Information Officer
Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, Shankar Market
New Delhi – 110001.

..... Respondent

ORDER

1. In the appeal before this First Appellate Authority (FAA) *vide* Right to Information (RTI) Registration No. ISBBI/R/E/20/00032, following are the information sought by the appellant under section 6 of the Right to Information Act, 2005 (Act) and the reply given to him by the respondent:

Table

Sl. No.	Information Sought	Response of Respondent
(1)	<i>“Sub- Details of action taken by IBBI in stopping four decades continuing extreme corruption of valuation of immovable properties in PSBs by considering my email reminders as in ref Ref- from: manojkamra rti manojkamrarti@gmail.com to: chairperson@ibbi.gov.in, chairmancbdt@nic.in cc: secy-fs@nic.in, mosfinance@nic.in, complaintsandgrievances@ibbi.gov.in, agmcustomer.lhojai@sbi.co.in date: Feb 6, 2020, 8:54 AM subject: Humble Reminder- 8 in view of recent closure of PG portal (cpgrams) grievances dt 20-11-2019 CBODT/E/2019/24461</i>	<i>Query made is not in the nature of information sought as per section 2(f) of the RTI Act. ”</i>

<p><i>DCOYA/E/2019/02722 by CBDT (by delegating to irrelevant office), IBBI (without giving reasons for closure) complete silence of RBI, SBBJ(now SBI) on corrupt valuation norms (attached) liable for increased NPA due to overvaluation: Humble request for stopping 4-decades old long time prevailing extreme corruption of award of</i></p>	
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2. The appellant submits that providing information is the rule and denying it is exception. He further submits that the respondent has not used any of the exemption clauses in section 8 of the Act and prays that an opportunity for personal hearing may be granted to him. Considering the ongoing national lockdown in the wake of spread of Covid-19, it is found not practicable to provide him an opportunity for personal hearing. Hence, this FAA arranged a telephonic call to him and provided opportunity to him to make his submissions over phone in support of the appeal. The appellant submits that he has sent number of reminders to know the action taken on his complaint and prays that this FAA may direct the respondent to provide the present status of his complaint. The respondent in turn submits that the query of the appellant is in the nature of advice/opinion and therefore it does not fall within the definition of ‘information’ as defined in section 2(f) of the Act and interpreted by the Supreme Court in *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.* (Civil Appeal No. 6454 of 2011), wherein it was held that the CPIO is not required to furnish information which require drawing of inferences and/or making of assumptions.

3. The matter has been examined. It is found that appellant made certain suggestions regarding amendments to the Companies (Registered Valuers and Valuation) Rules, 2017 which is prescribed by the Central Government under section 247 of the Companies Act, 2013. It is also found that the IBBI has no authority to amend the above said rules and that this part of the RTI request is not in the nature of information under the Act. Although certain part of the RTI request expresses opinion but in essence, the information sought is regarding the complaint sent to the IBBI as mentioned in the Table above and the action taken on that complaint by the IBBI. In the oral submission also, the appellant only wants to know as to what happened to the complaint given by him to the IBBI. In view of the above, it is felt that this part of the RTI request comes within the definition of information as defined in section 2(f) of the Act. Accordingly, the respondent is directed to provide the appellant with

the status of the complaint given the appellant and the file noting of disposal of the complaint within thirty days from the date of passing of this order.

4. The appeal is disposed of with the above directions.

(Sd/-)

(K. R. Saji Kumar)

Executive Director and First Appellate Authority

Copy to

1. Appellant, Mr. Manoj K Kamra.
2. CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, New Delhi.