

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

2nd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi - 110 001
Dated: 10th November, 2020

RTI Appeal Registration No. ISBBI/A/E/20/00023

IN THE MATTER OF

Mr. Pawan Kumar Singhal

Vs.

..... Appellant

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. This appeal is borne out of the application under Right to Information (**RTI**) bearing Registration no. ISBBI/R/E/20/00152. The information sought by the appellant under section 6 of the Right to Information Act, 2005 (**Act**) and the reply given by the respondent are as under:

Sl. No.	Information Sought	Reply by CPIO
	<i>In the Rule 4 and Annexure -IV of the Companies (Registered Valuers and Valuation) Rules, 2017 in respect of Qualification and Experience for Registration as Valuer in Securities or Financial Assets (SFA), it is mentioned about the eligibility that - Members of ICAI/ICSI/ICSI (Cost) and MBA or post Graduate/ Diploma in Business Management (Specialization in Finance) with Three year Experience in Specified Discipline.</i> <i>In the above connection, I want the following Information / records / orders / Circulars issued by the Competent Authority under the RTI Act, 2005:-</i>	
1.	<i>Whether the two years MBA (Finance) Degree awarded by a by the Govt. of India (UGC/ DEC) recognized university through Distance Education Mode is valid Degree for appearing</i>	<i>The eligibility condition w.r.t. the educational qualifications, for registration as a valuer under the Companies, Registered Valuers and</i>

	<i>in IBBI Registered Valuer Exam for Securities or Financial Assets (SFA)?</i>	<i>Valuation, Rules, 2017 is provided under Rule 4 read with Annexure IV of the Rules. For Securities or Financial Assets it is –</i> <i>i Member of Institute of Chartered Accountants of India, Member of Institute of Company Secretaries of India, Member of the Institute of Cost Accountants of India, Master of Business Administration or Post Graduate Diploma in Business Management specialisation in finance, from a University or Institute established, recognised or incorporated by law in India. or,</i> <i>ii Post Graduate in Finance from a University or Institute established, recognised or incorporated by law in India</i>
2.	<i>Please provide the copy of relevant order/Circular in reply of Query No 1</i>	<i>The copy of the said Rules is available on the website of IBBI at https://ibbi.gov.in/legal-framework/rules.</i>
3.	<i>Whether two years MBA (Finance & Marketing-Dual Specialisation) awarded from Sikkim Manipal University of Health, Medical & Technological Science, 5th Mile , Tadong, Gangtok-737102, india (SMU-DE) through the Open & Distance Learning Mode (a recognized MBA(Finance) Degree awarded by a UGC/DEC recognised university) is valid Educational Qualification for IBBI Registered Valuer Exam for Securities or Financial Assets (SFA)?</i>	<i>Same as point 1 above.</i>
4.	<i>Please provide the supporting document in support reply of Query No-3. Regards, Pawan Kumar Singhal E-1/89, Sector-16, Rohini Delhi-110089 Mobile No.- 9560659570</i>	<i>Same as point 2 above.</i>

2. In this appeal, the appellant has submitted that he has asked straight forwarded queries/doubts regarding his eligibility for appearing in the Registered Valuation Examination in the RTI application. It has been alleged by the appellant that the CPIO, IBBI in the reply has copy-pasted the Eligibility Qualification and Experience for Registration as Valuer as mentioned in Annexure-IV of the Companies (Registered Valuers and Valuation) Rules, 2017 and has not provided solutions/clarifications to the doubts of the applicant. Accordingly, the appellant has

submitted that the CPIO, IBBI has failed to perform the statutory duty and has avoided the answers to the applicant's doubts/queries.

3. Comments of the respondent were called for. The respondent has submitted that the necessary available information has already been provided in the original RTI application. The public authority cannot, by way of RTI, issue any new clarification on doubt of the applicant. Further, only the already available information may be provided by the authority.
4. In this connection, it is relevant to consider the definition of the term "information" under the Act. Section 2(f) of the Act defines "information" as 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. However, under the RTI request, the appellant wanted to get the answers/clarifications to his doubts/queries. In the appeal, the appellant wanted this FAA to provide answers/clarifications to his doubts/queries.
5. It is well established that the FAA has no power or authority under the Act to decide on the aforesaid queries raised by the appellant. It may be pertinent to note that in the Guide on Right to Information Act, 2005 issued vide OM No. 1/32/2013-IR dated 28th November, 2013 of DoPT, it is stated that:

*"A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. It is important to note that only such information can be supplied under the Act that is available and existing and is held by the public authority or is held under the control of the public authority. **The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to furnish information which require drawing of inference and/or making of assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.**"*

Further, the observations of the Hon'ble Supreme Court in the matter of *CBSE & Anr. Vs. Aditya Bandopadhyay & Ors.*, SLP(C) NO. 7526/2009 is also relevant, wherein it was held:

*"... **A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant.** The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."*

This being the position, this FAA finds that the doubts/queries requested by appellant is not within the domain of the Act and as such does not fall within the definition of 'information' provided at Section 2(f) of the Act.

6. With the above finding, the appeal is disposed of.

(Sd/-)

(K. R. Saji Kumar)

Executive Director and First Appellate Authority

Copy to:

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