

**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: 16th August, 2021

RTI Appeal Registration No. ISBBI/A/E/21/00019

IN THE MATTER OF

Manish Gehlot

... 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. Vide his RTI Application No. ISBBI/R/E/21/00112 dated 4th June 2021 filed under the Right to Information Act, 2005 (RTI Act), the Appellant had for asked the following : -

“a. My complaint was filed in Sept 2020 (offline) & online on 2nd Oct 2020. Earlier my online complain was closed, then I filed review. Post Review IBBI whole time director gave order that my complaint is lawful and should be reconsidered. On 4 Feb 2021 (File Reference number : IBBI/COMP/2020-21/00290/1479) I got letter that complaint made by me (Manish Gehlot) against RP Mr. Rajeev Sharma are affirmative (TRUE). Since IBC is time bound process I would like to know in how much time action will be taken against RP/IP Mr. Rajeev Sharma (Reg. No. IBBI/IPA-001/IP-00366/2017-18/10695), where- in already 4 months has been passed since order dated 04 Feb 2021?

*b. Kindly provide email id and official address of Mr. Navrang Saini (whole time Director) of IBBI.
HOPE JUSTICE SHALL PREVAIL.”*
2. The Respondent, Central Public Information Officer – CPIO of Insolvency and Bankruptcy Board of India (IBBI) vide communication dated 1st July 2021 informed the Appellant that: –

“a. The information sought is in nature of seeking opinion/suggestion and the same does not fall within the ambit of 'information' in terms of Section 2(f) of RTI Act, 2005.
b. Dr. Navrang Saini, WTM, IBBI may be reached at address 2nd Floor, Jeevan Vihar Building, Parliament Street, New Delhi, 110001 and e-mail ID at dr.navrang@ibbi.gov.in.”
3. The Appellant has filed present Appeal No. ISBBI/A/E/21/00019 dated 20th July 2021 challenging the first part of the aforesaid communication of the Respondent and has

submitted that: *“I am not seeking any opinion or information. I am complainant and asking for status of my complaint. So request you to kindly clarify status of my complaint.*

4. I have carefully examined the application, the response of the Respondent and the appeal and find that the matter can be decided based on the material available on record. It is pertinent to mention here that the Appellant's “*right to information*” flows from section 3 of the RTI Act and the said right is subject to the provisions of the Act. 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.
5. In the instant appeal, the dispute is limited to first part of request made by the Appellant in his application before the Respondent whereby he had asked following question-
“Since IBC is time bound process I would like to know in how much time action will be taken against RP/IP Mr. Rajeev Sharma (Reg. No. IBBI/IPA-001/IP-00366/2017-18/10695), where- in already 4 months has been passed since order dated 04 Feb 2021?”
6. The RTI Act is meant for providing ‘*information*’ which should be identifiable and available in the records of the public authority. In this regard, I note that Hon’ble Supreme Court of India in its judgment dated August 9, 2011, in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors. , inter alia*, held that :
“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...”
7. The above question of the Appellant is certainly an inquisition soliciting a response of the Respondent for an answer rather than any ‘*information*’ within the scope and ambit of section 2(f) of RTI Act. This Act does not create obligation on the public authority to answer queries eliciting answers to questions. As held by Hon’ble CIC vide its Order dated April 21, 2006 in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr*, that *the RTI Act does not cast on the public authority any obligation to answer queries in which a petitioner attempts to elicit answers to his questions with prefixes, such as, ‘why’, ‘what’, ‘when’ and ‘whether’.* The petitioner’s right extends only to seeking information as defined in section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.

8. The Appellant's expectation in his Application to get answer to his inquisition is clearly beyond the scope of the definition of 'information' under section 2(f) of the RTI Act and the Respondent did not have any obligation to provide any response/answer to such inquisition. Thus, in my view, the Respondent was right in his response dated 1st July 2021.
9. In the appeal, the Appellant has, for the first time, requested for 'clarification on the status of his complaint'. This was not a request in his application before the Respondent. I, therefore, do not find fault with the response of the Respondent on this count also. As the request in the Appeal and application of the Appellant are different, the Appellant cannot be permitted to enlarge the scope of his application in the appeal stage. In this regard, the following observation of Hon'ble CIC in *Shri Harish Prasad Divedi v. Bharat Petroleum Corporation Ltd.* (Case No. CIC/LS/A/2013/001477SS) is relevant:
- "... the Commission agrees with the Respondents that the information now sought by the Appellant in the present appeal did not form part of his original RTI application. Therefore, the Commission is not in a position to allow the disclosure of the information which had not even been sought by the appellant in his RTI application. An information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. No disclosure can, therefore, be directed to be made in the present appeal of the Appellant. The Appellant, however, may file a fresh RTI application, if he so desires."*
10. In view of the above, I find that there is no need to interfere with the decision of the Respondent. The Appellant is at liberty to file a fresh request to seek any information on his complaint, which the Respondent shall deal in accordance with RTI Act.
11. The appeal is accordingly disposed of.

Sd/

(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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