

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

2<sup>nd</sup> Floor, Jeevan Vihar Building  
Sansad Marg  
New Delhi- 110001.

Dated: 9<sup>th</sup> March, 2020.

IN THE MATTER OF

Mr. R. M. Mayileru

..... Appellant

Vs.

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

..... Respondent

**ORDER**

1. Mr. R. M. Mayileru, the appellant has appealed against the order of the respondent in RTI Registration Number: ISBBI/R/2019/00052 vide letter number IBBI/BS/RTI/RTI APP/246/3135 dated 06-01-2020 before this First Appellate Authority (FAA).
2. The appellant had requested for the following information in the RTI application, under section 6 of the Right to Information Act, 2005 (22 of 2005) (Act) and the reply given by the respondent is as under:

Sl No	RTI Request	Reply
1.	<p><i>"I sent out grievance letter dt. 04/07/2019 (vide encl. 1)</i></p> <p><i>(a) Now please furnish me as to Sl. No. of the Inward Register of otherwise Register by which you had entered the receipt the above letter.</i></p> <p><i>(b) The section or the person to whom it was sent from the inward section.</i></p> <p><i>(c) The action taken by the respective official or authority.</i></p>	<p><i>1(a). The letter dated 04.07.2019 was received vide email dated 25<sup>th</sup> September 2019 through mayileruandco@gmail.com.</i></p> <p><i>1(b). IP Division.</i></p> <p><i>1(c). It has been examined and disposed of with reply to the Mr. Mayileru.</i></p>

	<i>(d) Date of disposal of that application along with the copy of the same.</i>	<i>1(d). It has been disposed of on 28<sup>th</sup> December 2019.</i>
2.	<i>The specimen of Form-E to be enclosed for IP enrolment application.</i>	<i>Please refer to IBBI (Insolvency Professional) Regulations, 2016.</i>
3.	<i>Also cite the relevant portions in the connected regulation that touch upon such Form-E.</i>	<i>Please refer to IBBI (Insolvency Professionals) Regulations, 2016.</i>
4.	<i>The stipulated time of disposal for such grievance letters as per your office normal.</i>	<i>Please refer to IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017.</i>
5.	<i>The authority and his address to whom such failures can be reported and relief can be sought.</i>	<i>Please refer to IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017.”</i>

**Requests 1(a) to (d)**

3. The appellant alleges that the reply of the respondent to request 1(a) is wrong as he had sent the letter by speed post which had been duly acknowledged by the receiving office whereas the respondent states that the letter was received by email. The appellant further states that no reply was received from the IP division of IBBI referring his grievance dated 04/07/2019, and no reply dated 28/12/2019 was received by the appellant. However, respondent produced record to the effect that the appellant was informed by the office by email dated 28/12/2019 that the EoI submitted by the appellant for empanelment as IRP and Liquidator was rejected owing to certain non-compliance with the extant regulations. Mr. Dilip Khandale, DGM, IP Division, IBBI had sent an email dated 28/12/2019 to the appellant addressing the concerns raised by the appellant in his letter dated 04/07/2019 to Dr. Navrang Saini, Whole Time Member, IBBI. The trailing email suggests that the appellant had called up Mr. Khandale and based on the telecon, he had on 25/09/2019, addressed a letter to the Whole Time Member. The respondent thus submits that since the matter was already considered, dealt with and disposed of, there was no need to provide copies of any records to the appellant separately, otherwise than providing information by email to him. This submission of the respondent does not appear to be in the spirit of the Act. It is felt that the appellant is entitled to the copies of records showing how his grievance was dealt with, the action taken by the respective officials and the date of disposal. The respondent is, therefore, directed to provide details of information on any physical copy of his grievance, if received by speed post, other than the email information already provided to him. Copies of file noting may also be provided to the appellant within fifteen days from the date of this order.

### **Request 2**

4. The appellant argues that no extract of Form E of the IBBI (Insolvency Professional) Regulations, 2016 (IP Regulations), as asked for in the RTI application, was provided to him. The respondent only replied that the appellant may refer to the IP Regulations. The respondent submits that since all the regulations, guidelines including 'Form E' are available on the website of the IBBI, there is no need of separately providing copies to the appellant. This sounds to be only logical. Since the IBBI has already uploaded the soft copies of all related material, including the ones requested for by the appellant, on its website, and which can be accessed by any person free of cost, the respondent has not separately provided copies. Hence, the contention of the appellant is devoid of merits and this does not require intervention of this FAA. For the benefit of the appellant, he may access the IP Regulations at:

<https://ibbi.gov.in/uploads/legalframework/28e6d4af87340b69502cc7177aa57772.pdf>.

### **Request 3**

5. The appellant's case is that the respondent ought to have cited the specific clause, the rule or the regulation in his reply rather than asking the appellant to refer to the regulations. In this regard, section 2(f) of the Act which defines 'information' has been interpreted by the Supreme Court in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.* (Civil Appeal No. 6454 of 2011), wherein it was *inter alia* 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." It is evident from the above stated judgment of the Supreme Court that the respondent is legally not allowed to make inferences or assumptions in replying to RTI queries. Therefore, the information sought by the appellant cannot be provided as it would require the CPIO to make inferences or assumptions. Further, the appellant is a practising professional and is expected to know the laws. The information he asked for was easily available and accessible to him on the website of the IBBI free of cost. Hence, this FAA is not inclined to interfere with the information provided to him by the respondent.

**Requests 4 & 5**

6. The appellant agitates that the respondent has not mentioned the timeline within which the grievance of the appellant has to be disposed of and in case of failure to do so, which higher authority must be approached. The respondent in his reply has asked the appellant to refer to the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017 (Grievance Handling Regulations). It must be noted that the provisions of the Grievance Handling Regulations are applicable only to such complaints that are filed with the IBBI in Form A of the Grievance Handling Regulations along with the prescribed fees. Such complaints must be dealt with in a prescribed time frame and if the complainant is dissatisfied, a request for review can be made under regulation 7 of the Grievance Handling Regulations. Since in the instant case, the grievance was not in the prescribed format along with the requisite fees, therefore, the timelines or the option for review as stated in the Grievance Handling Regulations do not apply. To facilitate the appellant, however, the following link to access the Grievance Handling Regulations is provided:
- [https://ibbi.gov.in/webadmin/pdf/legalframework/2017/Dec/180723\\_2017-1209%2009:59:43.pdf](https://ibbi.gov.in/webadmin/pdf/legalframework/2017/Dec/180723_2017-1209%2009:59:43.pdf).
7. The appeal is disposed of on the above terms.

(Sd/-)

**(K. R. Saji Kumar)**

Executive Director and First Appellate Authority

**Copy to**

1. Appellant, Mr. R. M. Mayileru.
2. CPIO, Insolvency and Bankruptcy Board of India  
7<sup>th</sup> Floor, Mayur Bhawan, New Delhi.