

**WHOLE TIME MEMBER AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 1ST OF AUGUST, 2018

Appeal No. ISBBI/A/2018/60008 (F. No. IBBI/AL/RTI/114/Avik Gupta)

Dated: June 12, 2018

Arising out of Order dated June 5, 2018 under RTI Request No.
ISBBI/R/2018/50042

IN THE MATTER OF

Shri Avik Gupta

.....

Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan

New Delhi

.....

Respondent

ORDER

1. The present Appeal No. ISBBI/A/2018/60008 dated June 12, 2018 received in the office of the First Appellate Authority (**FAA**), Insolvency and Bankruptcy Board of India under the Right to Information Act, 2005 has been preferred by Shri Avik Gupta against the order of the CPIO, Ms. Anita Kulshrestha, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/50042.
2. On a detailed perusal of the RTI Application of Shri Avik Gupta, it is observed that the appellant sought the following information from the Insolvency and Bankruptcy Board of India: -
 - (i) “need original paper of recruitment of officer grade A (Assistant Manager) 2018 in PDF format.
 - (ii) number of candidates apply for this post.”

3. The appellant preferred the present appeal on the ground that information provided in the RTI application was incomplete, misleading or false information. He raised the following queries:-
- (i) *“Provide online examination question paper in PDF format for the post of recruitment of officer grade A (Assistant Manager).”*
 - (ii) *“Cut-off marks for online examination-recruitment of officer grade A (Assistant Manager).”*
4. The present RTI appeal has been examined and I have perused the response provided by the respondent in respect of the queries raised in the RTI application. In this context, I find that information in respect of the specific query in para 3 in point (i) above is not available with the Insolvency and Bankruptcy Board of India. Further, the Hon’ble Supreme Court of India in *Thalappalam Ser. Coop. Bank Ltd. & Ors, v. State of Kerala & Ors. (Civil Appeal No. 9017 of 2013)*, while interpreting the term “information” enshrined in Section 2(f) of the RTI Act, 2005 has observed that citizens have a right to get information, but can have access only to the information “held” and under the “control of public authorities”, with limitations. If the information is not statutorily accessible by a public authority, as defined in Section 2(h) of the Act, evidently, that information will not be under the “control of the public authority”.
5. I also note that the appellant’s request for information through the query in para 3 in point (ii) have been raised for the first time at this appeal stage. Any request for the first time in the appeal, different from what the appellant had raised with the respondent is not permissible, as was held by the Hon’ble CIC in the matter of *Ms. Farhana Haneef, Aligarh vs. SBI, Mumbai (Decision dated December 21, 2011)*. If the appellant wants any new information, he may approach the respondent by making an application with application fees and additional fees for cost of information, as envisaged under the RTI Act, 2005 read with the Right to Information Rules, 2012.
6. Accordingly, the appeal is disposed of.

Sd/-

(Mukulita Vijayawargiya)

Whole Time Member and First Appellate Authority

Copy to

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