

**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: 8th December, 2021

RTI Appeal Registration No. ISBBI/A/E/21/00030

IN THE MATTER OF

Rajansinh L Zala

... 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. The Appellant has filed present Appeal dated 10th November 2021, challenging the communication of the Respondent dated 20th October 2021 with regard to his RTI Application No. ISBBI/R/E/21/00160 dated 23rd September 2021 filed under the Right to Information Act, 2005 (RTI Act). The information sought in the Application and the response of the Respondent are given in following Table:-

Information sought	Response of CPIO
1. Copy of letter received from Sardar Patel University Vide No. 10133, dated 02.09.2018 along with reply to said letter.	Information sought is exempted u/s 8 (1) (d) and (e) of the RTI Act, 2005 as it would affect the competitive position of third party and is held with IBBI in its fiduciary capacity.
2. Copy of letter received from Institute of Technology for Advance Studies and Research vide No. ISTAR-VAL-2018-19-690, dated 26 th December 2018 along with reply to said letter.	Information sought is exempted u/s 8 (1) (d) and (e) of the RTI Act, 2005 as it would affect the competitive position of third party and is held with IBBI in its fiduciary capacity.
3. Number of meetings and Copy of Minutes of each meeting where second proviso of subrule 1 of Rule 5 Companies Registered Valuer and Valuation Rules, 2017 - CRVVR, 2017 was discussed along with names of participants or attendees in such meetings.	Information sought is exempted u/s 8 (1) (d) of the RTI Act, 2005 as it would affect the competitive position of third party.

4. Copy of decision that the Competent Authority has decided not to grant recognition to the examination conducted as part of the Masters or Post-Graduate degree course conducted by Sardar Patel University as, equivalent to Valuation Examination, under second proviso to sub-rule 1 of Rule 5 of the CRVVR, 2017, along with reasons or criteria for not granting such recognition. When such decision was made public?	Information sought is exempted u/s 8 (1) (d) of the RTI Act, 2005 as it would affect the competitive position of third party.
5. In reference to information at Sr. No. 4 above, under which provision of the CRVVR, 2017 such decision of not granting such recognition has been taken by the Authority.	The issue as to whether the examination conducted as part of the Masters or Post- Graduate degree course conducted by Sardar Patel University may be treated as equivalent to Valuation Examination, was considered/examined under rule 5 of the Companies (Registered Valuers and Valuation) Rules, 2017.
6. Copy of any rules, regulation, circular, criteria and procedure for granting or not granting recognition to an examination conducted as a part of masters or postgraduate degree courses conducted by a university which is equivalent to the valuation examination	The copy of the Companies (Registered Valuers and Valuation) Rules, 2017 may be accessed from the website of IBBI - www.ibbi.gov.in
7. Copy of Circular, Notification, rules, regulation granting power to authority to set such criteria and procedure with reference to information at Sr. No. 6 above.	The MCA vide its Notification dated 23rd October 2017 delegated its powers and functions under section 247 of the Companies Act, 2013 to the Insolvency and Bankruptcy Board of India.
8. Number of applications for registration as a Valuer received by the Authority where applicants has asked for exemption in Valuation examination under second proviso to sub-rule 1 of Rule 5 of the CRVVR, 2017 along with the name of such applicants.	One application for exemption received. The disclosure of name of Applicant is exempted under section 8(1)(d) of the RTI Act, 2005 as it would affect the competitive position of third party.
9. Copy & Details of all communication between authority and RVO - CVSRTA RVA regarding application of Mr. Rajansinh L Zala.	The copy of the mail communication between IBBI and CVSRTA with regard to application of Mr. Rajansinh L Zala (the RTI applicant) is attached herewith.

10. Copy & Details of all Communication regarding guidance sought by CVSRTA RVA and-or provided by the Authority regarding application of Mr. Rajansinh L Zala for regarding manner of forwarding and recommending registration as a valuer to the Authority.	Same as in point 9 above
11. All communication to and from the Authority regarding second provision of subrule 1 of rule 5 with all stakeholders, like Universities, RVOs, and Individuals, and others with certified copies thereof.	Information sought is exempted u/s 8(1)(d) of the RTI Act, 2005 as it would affect the competitive position of third party.
12. Copy of decision made by the Authority in respect of Note mentioned by the RVO - CVSRTA RVA on the Form A submitted by Mr. Rajansinh L Zala along with copy of document granting such power to such body, officer.	The communication dated 24 th August 2021 made to the applicant Mr. Rajansinh Zala is attached herewith. The said mail is attached along with other communications attached in response to point 9 above.

2. In view of contentious issues raised by the Appellant, the comments of the CPIO were sought on the Appeal and he has submitted that: *“Information sought is in the nature seeking reason for taking administrative decision and the same is not covered as information under section 2(f) of the RTI Act. Information sought regarding delegation of power has not been covered under the RTI Application at the first instance and cannot be raised in Appeal. Further, communication made between IBBI and universities and CVSRTA Registered Valuers Association regarding its eligibility and qualification is in the nature of commercial confidence and is available with IBBI in its fiduciary capacity. Hence, the same cannot be disclosed.”*
3. 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. In order to deal with several contentions of the Appellant I deem it appropriate to briefly state the scope of information and information requests under the RTI Act. It is pertinent to mention that scope of information disclosure under the RTI Act is circumscribed by RTI Act itself. While the “*right to information*” flows from section 3 of the RTI Act, it is subject to other 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 and which can be disclosed subject to exemptions under section 8(1)(a) to 8(1)(j) of the RTI Act. Thus, if the public authority holds any information in the form of data, statistics, abstracts, etc. an applicant can have access to the same under the RTI Act subject to exemptions under section 8.
4. Now I proceed to deal with point wise requests made by the Appellant. The submissions of the Appellant in this Appeal are accordingly dealt with in the following paragraph are dealt with -

Point No. 1 and 2 -

5. The Respondent has declined the requests citing exemption provisions under section 8(1)(d) and (e) of the RTI Act with reason that disclosure of requested information would affect the competitive position of third party and is held with IBBI in its fiduciary capacity. The Appellant has stated that “.... *the information requested, vide Point No. 1, is neither having angle of commercial confidence as well as neither it is a trade secrets nor an intellectual property, the disclosure of which would harm the competitive position of a third party. Hence, the information requested, vide Point 1, is not exempted from disclosure u/s 8(1)(d) of RTI Act...*” and also “....*that the CPIO/IBBI has wrongly and arbitrarily invoked the provision u/s 8(1)(e) of RTI Act....*”.
6. In so far as scope of this exemption under section 8(1)(d) is concerned, the Respondent would be right to refuse to give information, disclosure of which would harm the competitive position of a third party, unless he is satisfied that larger public interest warrants the disclosure of such information. In the instant case, the Respondent has not given any reason or justification for invoking section 8(1)(d) of RTI Act. Further, whether the information is relating to ‘commercial confidence’ or ‘trade secrets or intellectual property’? and how does he think that the disclosure of such information would harm the competitive position of any third party? It is also not justified as to how the information is in fiduciary relationship. It is obviously denial without any specific reason. The Respondent is advised to take into account these requirements of law while dealing with information requests under the RTI Act. Having observed this, I deem it fit to deal with this request on merits in the interests of the right to information and scope of information disclosures under the RTI Act.
7. It is noted that the Respondent in his comments to the Appeal has stated that the information sought by the Appellant is “... *in the nature of commercial confidence and is available with IBBI in its fiduciary capacity. Hence, the same cannot be disclosed.*”
8. It is pertinent to mention that in *Tata Motors Limited & Anr. v. State of West Bengal & Ors.* W.P.(C) No. 1773/2008 decided on 12/01/2010, the Hon’ble Calcutta High Court, while discussing scope of section 8(1)(d) of the RTI Act observed that- “*The term commercial confidence has not been defined as such. But the word commercial is defined in the Shorter Oxford English Dictionary as something "pertaining to or engaged in commerce. Interested in financial rather than artistry; likely to make a profit; regarded as a mere matter of business".* Thus, the term ‘commercial confidence’ comprises of commercial, business or financial information, which entities keep as confidential, or do not bring to the knowledge of the public, mostly with an intention to maintain an advantage over its competitors or to protect its commercial secrets from use by its competitors.
9. In *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal* (Civil Appeal Nos. 10044, 10045 and 2683 of 2010), Hon’ble Supreme Court of India observed that:
“33. *In Reserve Bank of India (supra) this Court had expounded upon the expression ‘fiduciary relationship’ used in clause (e) to sub-section (1) of Section 8 of the RTI Act by referring to the definition of ‘fiduciary relationship’ in the Advanced Law Lexicon, 3rd Edition, 2005, which reads as under:*

“57. [...] Fiduciary relationship. — A relationship in which one person is under a duty to act for the benefit of the other on matters within the scope of the fiduciary relationship. Fiduciary relationship usually arises in one of the four situations: (1) when one person places trust in the faithful integrity of another, who as a result gains superiority or influence over the first, (2) when one person assumes control and responsibility over another, (3) when one person has a duty to act for or give advice to another on matters falling within the scope of the relationship, or (4) when there is a specific relationship that has traditionally been recognised as involving fiduciary duties, as with a lawyer and a client, or a stockbroker and a customer.” Thereafter, the Court had outlined the contours of the fiduciary relationship by listing out the governing principles which read:

“58. [...] (i) No conflict rule — A fiduciary must not place himself in a position where his own interest conflicts with that of his customer or the beneficiary. There must be ‘real sensible possibility of conflict’.

(ii) No profit rule — A fiduciary must not profit from his position at the expense of his customer, the beneficiary.

(iii) Undivided loyalty rule — A fiduciary owes undivided loyalty to the beneficiary, not to place himself in a position where his duty towards one person conflicts with a duty that he owes to another customer. A consequence of this duty is that a fiduciary must make available to a customer all the information that is relevant to the customer’s affairs.

(iv) Duty of confidentiality — A fiduciary must only use information obtained in confidence and must not use it for his own advantage, or for the benefit of another person.

34. Fiduciary relationships, regardless of whether they are formal, informal, voluntary or involuntary, must satisfy the four conditions for a relationship to classify as a fiduciary relationship. In each of the four principles, the emphasis is on trust, reliance, the fiduciary's superior power or dominant position and corresponding dependence of the beneficiary on the fiduciary which imposes responsibility on the fiduciary to act in good faith and for the benefit of and to protect the beneficiary and not oneself..... What would distinguish non-fiduciary relationship from fiduciary relationship or an act is the requirement of trust reposed, higher standard of good faith and honesty required on the part of the fiduciary with reference to a particular transaction(s) due to moral, personal or statutory responsibility of the fiduciary as compared to the beneficiary, resulting in dependence of the beneficiary.”

10. I note that by said letter dated 09.02.2018 (*wrongly stated by the Appellant as 02.09.2018*) from Sardar Patel University (SPU) had requested IBBI to recognise the examination conducted as part of master’s or post graduate degree of SPU or equivalent to the valuation examination under Rule 5 of the Companies (Registered Valuers and Valuation) Rules, 2017 (Valuation Rules). It was further requested to issue clarifying note that PG degree holders in valuation of real estate as well as plant and machinery from SPU are exempted from appearing in valuation examination to be conducted by IBBI under said Rule 5. A copy of this letter was also marked to “The Principal, ISTAR, Vallabh Vidyanager-388120”. Subsequently, vide letter No. ISTAR-VAL-2018-19- 690, dated 26th December 2018, Institute of Technology for Advance Studies and Research (ISTAR), also reiterated the same request to IBBI referring to the letter dated 09.02.2018 from SPU. ISTAR also confirmed that its courses are affiliated to SPU. Vide its e-mail dated 27.04.2021 IBBI informed Registrar, SPU of its decision on the said requests. Also, IBBI, vide its e-mails dated 22nd September 2021, 24th August 2021, 27th April 2021, 19th April 2021, 10th March 2021 and 11th February 2021 informed the Appellant that passing of valuation examination

is a mandatory eligible condition for registration as valuer under the Valuation Rules. Further, his application was not recommended for registration by the RVO – CVSRTA and it was reiterated that IBBI had not granted recognition to the examination conducted as part of Master's or Post-graduate degree course conducted by SPU as equivalent to valuation examination under Rule 5 of the Valuation Rules. He was guided to comply with the Valuation Rules for securing registration as a Registered Valuer. Thus, the Appellant is already informed about the decision of the IBBI on the application of the Valuation Rules which is also the subject-matter of representations of SPU and ISTAR whose course is affiliated to SPU as claimed.

11. In the above peculiar facts and circumstances of this case, nothing in the contents of SPU letter dated 09.02.2018, ISTAR letter dated 26.12.2018 and IBBI e-mail dated 27.04.2021 has '*commercial confidence*' or '*trade secret*' or '*intellectual property*'; the disclosure of which would harm the competitive position of the SPU or ISTAR. Further, since the SPU letter is already in the hands of Appellant, nothing remains in commercial confidence in the said letter to withhold the copies of the letters/reply available with IBBI. Further, in view of the guidelines laid down by the Hon'ble Supreme Court in CPIO, Supreme Court case (supra), the contents of the correspondences as discussed above do not come under the exemption under section 8(1)(e) regarding *fiduciary relationship*. I, therefore, direct the CPIO to provide the Appellant with a copy of the letters/reply available with IBBI within 15 days of receipt of this Order.

Point No. 3 and 4 –

12. I note that the Appellant has asked in point 3 for '*number of meetings and copy of minutes of each meeting along with names of participants or attendees in such meetings*' where there was discussion of Rule 5 of Valuation Rules. It is unclear how any such request would fall in the scope of information under section 2(f) of the RTI Act if it is not held with IBBI so as to attract exemption under section 8(1)(d) as decided by the Respondent. I note that third request is hypothetical in nature as the Appellant has based it on assumptions and presumptions that IBBI conducts meetings with participants to decide routine representations like the one in this case. The Respondent is not expected to answer such a hypothetical question as the Appellant assumes that the IBBI conducts meetings with participants to decide routine representations. In the matter of *Shri C.T. Adsule Vs. Department of Legal Affairs (Order dated January 5, 2009)* the Hon'ble CIC held the respondent did not have any obligation to respond to hypothetical scenarios. I, further find that apart from being hypothetical, the request of the Appellant is beyond the scope of the definition of 'information' under section 2(f) of the RTI Act. Thus, the question of sharing or declining non-existent information under shield of exemption under section 8(1)(d) does not arise at all.
13. The request in Point 4 is of two folds. Firstly, the copy of decision that the Competent Authority along with reasons or criteria, and secondly when such decision was made public. With regard to the first limb, I note that the basis/reasons on which IBBI has come to a conclusion with respect to SPU, do contain information which is confidential to the SPU and the disclosure of the same to a third party i.e. the Appellant may harm the competitive position of the said University and this Respondent must be cautious of the same.

Therefore, the disclosure of the basis/reasons on the basis of which IBBI has concluded with respect to SPU is exempted under section 8(1)(d) of the Act. Also, the Appellant has failed to establish how a larger public interest is involved warranting disclosure of requested information. In fact, the reasons cited by the Appellant for disclosure of requested information are not cogent. Accordingly, in my view, the information as requested by the Appellant cannot be disclosed to him. Further, the examination of representation contains information about third party in fiduciary capacity and is exempt under section 8(1)(e) also.

14. In addition to the above findings, I also note that as per the practice, on receipt of the representations, the process flow involves movement of file at several levels. I note that in the case of *Shri V. Raj Vs. Dr. G. Narayana Raju*, the Hon'ble CIC, vide order dated August 22, 2007, had ruled that a public servant contributing to a decision is entitled to his anonymity. Similarly in *Shri Gurbax Singh Vs. Shri Vijay Kumar*, Hon'ble CIC vide order dated September 25, 2007, held that it is a well-founded assumption that employees who contribute to a given decision should remain anonymous and at least in the higher echelons of administration in the parliamentary set up, anonymity of civil servants sub-serves the key element of the system - the ministerial responsibility to the Legislature. In this case, the decisions/reasons as asked for by the Appellant are disclosed, the file noting that could be denied, but could not be severed, may also reach to the Appellant. This would defeat the very basis of the role of the Respondent under the provisions of the RTI Act.
15. The second limb of request in point 4 is an inquisition based on assumption that decisions on such representations are made public. This request is certainly inquisition soliciting a response of the Respondent for an answer that does not exist 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. In this regard, it is relevant to refer to the Order dated April 21, 2006 of the Hon'ble CIC in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr*, wherein it was observed 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.*" Accordingly, no further interference is required from FAA.

Point No. 5 –

16. I note that the submissions of the Appellant in the appeal stage are different from the request made in the original application. In the Appeal he has stated that "*I am very well aware of provisions under second proviso to sub- rule (1) of Rule 5 of CRVVR. It only provides that the Authority/IBBI can grant such a recognition to such examination as equivalent to Valuation Examination, if it is conducted by a university. But it does not provide for under which circumstances or criteria such recognition cannot be granted. Therefore, I requested the information that under which provision of the CRVVR authority/IBBI has set criteria for such non-recognition as equivalent and then after such decision of not granting such recognition has been taken by the Authority/IBBI*", whereas in the original application, he asked for the relevant provision and same has been communicated

to him. As such, RTI Act does not provide for resolution of grievances of applicants and providing interpretation of Valuation Rules does not fall within the domain RTI Act. Accordingly, no further interference is required.

Point No. 6 –

17. The submissions of the Appellant in the appeal are again different from the request made in the original application. In the Appeal, he has stated that *“The CRVVR does not provide for any criteria and procedure for granting or not granting recognition to an examination conducted as a part of master’s or postgraduate degree courses conducted by a university which is equivalent to the valuation examination”*, whereas in the original application, he asked for *“rules, regulation, circular, criteria and procedure”* and same has been communicated to the Appellant. As such, RTI Act does not provide for resolution of grievances of applicants and providing interpretation of Valuation Rules does not fall within the domain of RTI Act. Accordingly, no further interference is called for.

Point No. 7 –

18. The submissions of the Appellant in the appeal stage are again different from the request made in the original application. In the appeal, he has stated that *“I am aware of such Notification dated 23rd October 2017. This notification delegates the power and function under section 247 of the Companies Act, 2013 to the Insolvency and Bankruptcy Board of India to be performed by it as provided under CRVVR prescribed as such u/s 247 of the Companies Act, 2013. The function to be performed by the authority/IBBI under CRVVR is purely administrative in nature and not of legislative power and function. Therefore, I wanted to know under which provision of law, the Authority/IBBI has set criteria and procedure to be followed in the matter of 2nd proviso to Rule 5(1) of CRVVR and reached to the decision of not granting such recognition as equivalent to valuation examination to the examination conducted by the Sardar Patel University as a part of master’s or postgraduate course in valuation”*, whereas, in the original application, he has requested for copy of circular, notification, rules, regulation, etc. which was sufficiently provided by the CPIO. As such, RTI Act does not provide for resolution of grievances of applicants and providing interpretation of Valuation Rules does not fall within the domain of CPIO. Accordingly, no further interference is required.

Point No. 8 -

19. In this request the Appellant had asked for number of applications who had asked for exemption along with their names. While the Respondent provided the number of such applicant, he withheld the name seeking exemption under section 8(1)(d) of the RTI Act. The Appellant has questioned the reasoning of the Respondent and has admitted that the requested information is exempted under section 8(1)(j) and not under section 8(1)(d) of the RTI Act. In my view, the disclosure of names of each applicant would have impact on the commercial confidence of such an individual and the disclosure of the same may harm the competitive position of such third party. Also, such information is available with IBBI in fiduciary relationship and as they relate to personal information. Further, disclosure of such personal information has no relationship to any public activity or interest and disclosure of which would cause unwarranted invasion of the privacy of the individual applicants. I, therefore, observe that the disclosure of the name the applicant is exempt under sections 8(1)(d) as well as under section 8(1)(j) of the RTI Act.

Point No. 9 and 10 –

20. I note that the CPIO has already provided the Appellant with “*The copy of the mail communication between IBBI and CVSRTA with regard to application of Mr. Rajansinh L. Zala (the RTI applicant) is attached herewith.*” Accordingly, there is no further information available with IBBI on the same and the Respondent cannot provide information which is not available on record of IBBI.

Point No. 11 -

21. In this point, the Appellant has requested for “*all communications to and from the Authority regarding second provision of sub rule 1 of rule 5 with all stakeholders, like Universities, RVOs, and Individuals, and others with certified copies thereof.*” The Appellant has not specified his exact information requirement to the Respondent. Nor has he specified the same in this appeal. In the matter of *Sbri Harmit Singh Vs. Central Excise Department, Chandigarh (Order dated November 07, 2008)* the Hon’ble CIC *inter alia* held that the respondents therein were right in rejecting the request as it is quite unclear and vague and no specific information can be identified on the basis of the signals contained in this query. Further, even if ascertainable, such communications are specific to a third party the disclosure of which can result in a harm to the competitive position of such third parties. I do not find any larger public interest for a direction to collate and compile the details of information and to provide the same to the Appellant as he desires. Despite this, if the Respondent resorts to provide such roving information after collating and compiling the same in a single point, it would have to devote very large amount of resources and time. Such exercise would defeat ‘the practical regime of right to information’ as envisaged in the preamble of the RTI Act and would disproportionately divert the resources of IBBI.

22. The Hon’ble CIC in *N. Murugesan Vs. CPIO, Ministry Of Power (Second Appeal No. CIC/POWER/A/2018/165515)* Order dated 21.05.2020 had observed that -
“..... collation of the information in the manner sought by the appellant on point no. 3 of the RTI application would involve compilation from voluminous records by a significant number of officials and would disproportionately divert the resources of the public authority from the efficient discharge of its normal functions. If the required information was not maintained in the manner as asked for, the CPIO could not be asked to compile such data which would require going through each of these files individually. Furthermore, the CPIO is also not required to collect and compile the information on the demand of a requester nor is he expected to create a fresh one merely because someone has asked for it..... the CPIO cannot be expected to compile the information which requires disproportionate diversion of the resources of the public authority.” It is, thus, settled position that it is not open to Appellant to saddle a public authority with elaborate queries about past actions, response to which could not be given without the public authority straining itself to wade through large volumes of information and data. Section 7(9) clearly forbids this form of disclosure. Accordingly, no further interference is required.

Point No. 12 –

23. The Appellant in his appeal has submitted that “.... In the second part of information requested, vide Point 12, I wanted to know whether such officer, i.e. Assistant Manager, has power to take such decision in the matter. Therefore, I referred General Order issued on 02.07.2020 viz. The Insolvency and Bankruptcy Board of Indian Delegation of Powers and Functions as available at link DOP booklet

final.pdf (ibbi.gov.in). In which I found that the officer having designation of Assistant Manager has been delegated only with the power of calling for information required under the Companies (Registered Valuers and Valuation) Rules, 2017 and not of taking any administrative decision under CRVVR. Therefore, I wanted to know whether such officer, who has communicated decision of the Authority/IBBI and rejected to consider my application for registration as a valuer, is being delegated with power to take such decision under CRVVR and communicate the same to such applicant or not. Hence, I requested information in form of copy of document granting such power to such body/officer.” I note that the IBBI (Delegation of Powers and Functions) Order is already available with the Appellant and it is sufficient to understand the delegation of power to IBBI’s officers. The interpretation of the IBBI (Delegation of Powers and Functions) Order does not fall within the domain of the Respondent. Accordingly, no further interference is required.

24. Apart from the above findings, I find that the Appellant has raised counter arguments at various places in his Appeal, soliciting opinions on his understanding of the Valuation Rules. In this context, 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.* had held that: *“...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.”* I, therefore, find that such requests of the Appellant is an inquisition inviting and soliciting response in the nature of explanation, clarification, opinion etc. and is beyond the scope of ‘information’ under section 2(f) and the ‘right to information’ under section 2(j) of the RTI Act. The CPIO is not bound to provide any such advice/guidance or opinion to the Appellant.
25. In view of the above, the appeal is disposed of with direction to Respondent to provide the Appellant with a copy of the letters/reply in terms of para 11 above, within 15 days of receipt of this Order.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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