

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

2<sup>nd</sup> Floor, Jeevan Vihar Building,  
Sansad Marg, New Delhi - 110 001  
**Dated: 27<sup>th</sup> January, 2021**

**RTI Appeal Registration No. ISBBI/A/E/21/00001**

**IN THE MATTER OF**

**Mr. Vibhu Gautam**

Vs.

..... Appellant

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India  
2<sup>nd</sup> Floor, Jeevan Vihar Building  
Sansad Marg, New Delhi- 110 001.

..... Respondent

**ORDER**

1. This appeal is in reference to the application under Right to Information Act, 2015 (**RTI Act**) bearing Registration no. ISBBI/R/E/20/00200 submitted by the Appellant. The information sought by the appellant under section 6 of the RTI Act and the reply given by the respondent are as under:

<b>Sl. No.</b>	<b>Information Sought</b>	<b>Reply by CPIO</b>
	<i>Kindly provide the following information –</i>	<i>Information sought is not available.</i>
1.	<i>Reason for disconnection of electric supply to shop no. FF-300, Indirapuram Habitat Centre, Plot no.16, Ahinsa Khand-1, Indirapuram, Ghaziabad by Resolution Professional Sh.N.K. Sharma in spite of credit balance in the prepaid meter of owner of the shop.</i>	
2.	<i>Whether the common area maintenance charge is collected on uniform rates from all stakeholders in IHC. If no, then inform reasons for charging CAM on differential rates.</i>	
3.	<i>Provide a copy of agreement executed between RP and mall management &amp; facility operation company, as neither any agreement has been executed with us in this respect nor we have been provided with any document.</i>	
4.	<i>Provide us the statement of income and expenditure in respect of common area maintenance with all parameters and components of maintenance &amp; operation facilities being provided to the stake holders.</i>	

2. In this appeal, the appellant has submitted that CPIO has refused the access to information. Further, he has *inter-alia* stated that all affairs of Indirapuram Habitat Centre Private Limited

are being managed by the resolution professional Sh. N. K. Sharma and as such, there is no reason that sought information is not available with him.

3. Comments of the respondent were called for. The respondent has submitted that the "information sought is not available."
4. In this connection, the FAA notes that the information sought by the applicant is not maintained by the Insolvency and Bankruptcy Board of India (IBBI). Further, IBBI is not under obligation to maintain such information. Accordingly, no further information can be provided to the appellant.
5. Considering the above, the observations of the Hon'ble High Court of Delhi in *the Registrar Supreme Court of India v. Commodore Lokesh K. Batra & Ors* (LPA 24/2015 & CM No. 965/2015) may be relevant wherein, it was observed that:  
"15. On a combined reading of Section 4(1)(a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, 'right to information' under Section 2(j) means only the right to information which is held by any public authority.."

Further, the Hon'ble Supreme Court in the matter of *Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors.* (Civil Appeal no. 6454 of 2011) observed that:

"But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant....."

6. In view of foregoing, the appeal is disposed of.

(Sd/-)

(Dr. Anuradha Guru)

Executive Director and First Appellate Authority

**Copy to:**

1. Appellant, Mr. Vibhu Gautam.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2<sup>nd</sup> Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.