

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

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 14TH OF NOVEMBER, 2018

Appeal No. ISBBI/A/2018/60012 (F. No. IBBI/RTI/Shyamsunder Bubna/167)

Dated: September 02, 2018

Arising out of Order dated August 30, 2018 under RTI Request No.
ISBBI/R/2018/50084

IN THE MATTER OF

Mr. Shyamsunder Bubna Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan

New Delhi Respondent

ORDER

1. The present Appeal No. ISBBI/A/2018/60012 dated September 02, 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 Mr. Shyamsunder Bubna against the order of the CPIO, Mr. Umesh Kumar Sharma, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/50084.
2. On a detailed perusal of the RTI Application of Mr. Shyamsunder Bubna, it is observed that the appellant sought the following information from the Insolvency and Bankruptcy Board of India: -
 - (i) *Whether Insolvency and Bankruptcy Code, 2016 is formed for action against corporate entities only.*
 - (ii) *What action and/or remedy available against a registered firm and/or their partners of the firm against whom they have obtained recovery certificate from competent authority.*

3. Having been unsatisfied with the reply by the CPIO, the appellant preferred the present appeal on the ground that he has been provided incomplete, misleading or false information.
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.
5. The Central Information Commission in its decision No. CIC/AT/A/2006/00045, dated 21.04.2006 in the case relating to Dr. D.V. Rao, Superintendent (Legal), Deptt. of Legal Affairs Vs. Shri Yashwant Singh, APIO & Deputy Secretary (A), Deptt of Legal Affairs, had held that ‘the RTI Act does not cast on the public authority any obligation to answer queries, as in this case, 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.’
6. In this context, I find that the information in respect of the specific query in para 2 in points (i) and (ii) above is clearly in the nature of seeking opinion and not information. The information solicited by the appellant amounts to eliciting the opinion and advice of the Insolvency and Bankruptcy Board of India which does not fall under “information” as defined under the RTI Act, 2005.
7. Accordingly, the appeal is disposed of.

Sd/-

(Dr. Navrang Saini)

Whole Time Member and First Appellate Authority

Copy to

1. Mr. Shyamsunder Bubna
2. CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan
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