

**BEFORE THE 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: 21<sup>st</sup> November, 2022**

**RTI Appeal Registration No. ISBBI/A/E/22/00046**

**IN THE MATTER OF**

**Sivakumar Venkatesan**

... 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 26<sup>th</sup> October 2022, challenging the communication of Respondent dated 19<sup>th</sup> October 2022 stating that the “*Information sought is not available with the Board.*” The Appellant had *vide* his RTI Application No. ISBBI/R/E/22/00245 dated 9<sup>th</sup> October 2022 filed under the Right to Information Act, 2005 (RTI Act), requested for the following: –  
“*The Corporate Debtor, Nathella Sampath Jewelry Private Limited-NSJPL (In Liquidation), took loan from several banks, namely StateBank of India (SBI), Union Bank of India, HDFC Bank Ltd. Hereby request to furnish the details about the,*  
1. *Loan amount borrowed from respective banks*  
2. *Interest rate*  
3. *Tenure/duration for repayment*  
4. *Securities provided by the borrower, and their value then*”
2. 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. Before dealing with matter in issue in the instant appeal, I deem it appropriate to examine the scope of information and right to receive it from a public authority. In terms of section 2(f) of the RTI Act ‘*information*’ means *any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.*” It is pertinent to mention here that the Appellant’s “*right to information*” flows from section 3 of the RTI Act and the said right is subject to the provisions of the Act. Section 2(j) of the RTI Act defines the “*right to information*” in terms of information accessible under the Act which is held by or is under the control of a public authority.
3. It is settled position that the CPIO cannot be expected to create an information for sharing to a RTI Applicant. The Hon’ble CIC in *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances & Pension, Department of Personnel & Training, North Block, New Delhi -110001, File No: CIC/MPERS/A/2017/158527/SD* (Decision dated 06.05.2019), has observed that:

*“Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarify/deduct information in respect of queries/clarifications. Similarly, redressal of grievance, non-compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act.”*

4. I also 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 a public authority is “...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.”
5. Also, the Respondent is expected to provide information as available on record and not create any information. Accordingly, as the information requested is not available with CPIO, same is communicated to the Appellant. He cannot provide any other information. Same is beyond the scope of ‘right to information’ under section 2(j) of the RTI Act which limits the information to one ‘accessible’ under the RTI Act and ‘which is held by or under the control of any public authority’.
6. Accordingly, I do not find any reason to interfere with the decision of the Respondent. The appeal is disposed of accordingly.

**Sd/**  
**(Santosh Kumar Shukla)**  
First Appellate Authority

**Copy to:**

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