

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गङ्गनाथ मार्ग
Baba Gangnath Marg
मुनिरका, नई दिल्ली- 110067
Munirka, New Delhi-110067

File no.: CIC/NCLTD/A/2019/147403

In the matter of:

Nipun Singhvi

... Appellant

VS

Central Public Information Officer
Insolvency and Bankruptcy Board of India (IBBI),
7th Floor, Mayur Bhawan,
Connaught Place,
New Delhi-110001

2. Central Public Information Officer
Insolvency and Bankruptcy Board of India (IBBI),
2nd Floor,
Jeevan Vihar Building, Parliament Street,
New Delhi - 110001

...Respondent

RTI application filed on	:	29/04/2019
CPIO replied on	:	27/05/2019
First appeal filed on	:	05/07/2019
First Appellate Authority order	:	01/08/2019
Second Appeal dated	:	26/09/2019
Date of Hearing	:	22/06/2021
Date of Decision	:	22/06/2021

The following were present:

Appellant: Shri Vishal, representative of the appellant, heard over phone

Respondent: Adv. Abhishek Kumar, CPIO's Representative (Legal Advisor),
heard over phone

Information Sought:

The appellant has sought the following information:

1. Provide the information of the insolvency professionals who have been issued show cause notice for disciplinary proceedings as clarified in circular issued by IBBI dated 23/04/2018.
2. Provide the procedure adopted by IBBI, for making the list public.

Grounds for Second Appeal

The CPIO has not provided the desired information claiming exemption u/s 8(1)(h) of the RTI Act.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that he is not satisfied with the reply of the CPIO as the desired information was incorrectly denied u/s 8(1)(h) of the RTI Act. He further submitted that insolvency professionals being court officers, the parties have a right to know about this information and any disciplinary proceedings initiated against any such officer should be known to public so that they are not appointed by any party as their IRPs.

The CPIO submitted that an appropriate reply was given to the appellant on 27.05.2019. He also reiterated the contents of the FAA order dated 01.08.2019.

Observations:

From a perusal of the relevant case records, it is noted that initially the CPIO had denied the information while claiming exemption u/s 8(1)(h) of the RTI Act. This reply was incomplete in the sense that no justification for its applicability was given. However, the FAA while examining the issues raised by the appellant in his first appeal memo in great detail had passed a reasoned order in which he had informed the appellant that a disciplinary proceeding is considered as pending against an IP officer from the time he has been issued a show cause notice by the IBBI till disposal by the Disciplinary Committee and for such period the IP concerned is not allowed to take any new assignment under the code as IRP, RP, liquidator or a bankruptcy trustee. The concern of the appellant is that these IPs against whom disciplinary proceedings are pending may be appointed as IRPs, however, the appellant was informed that it is the AA that appoints the IRP under Section 16 of the Code after ascertaining that no disciplinary proceeding is pending against them. The appellant was also informed that sufficient checks have been built into the process to prevent such IPs from being appointed as IRPs. Disciplinary proceedings are quasi-judicial in nature and any disclosure of the names of IPs against whom such proceedings are ongoing would impede the investigation process. The Commission finds that the order of the FAA is very detailed and

every issue of the appellant has been answered and the applicability of Section 8(1)(h) has been properly justified. The Commission is unable to find any flaw in the order of the FAA, hence no further relief can be given.

Decision:

In view of the above, the Commission upholds the FAA order and does not find any scope for further intervention in the matter.

The appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचनाआयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापितप्रति)

A.K. Assija (ऐ.का. असीजा)

Dy. Registrar (उप-पंजीयक)

011-26182594 /

दिनांक/ Date