

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

7<sup>TH</sup> FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 6<sup>TH</sup> OF MARCH, 2018

Appeal No. ISBBI/A/2018/60003 (F. No. IBBI/AI Div./RTI Appeal/2017-18/1)

Dated: February 4, 2018

Arising out of Order dated January 31, 2018 under RTI Request No.  
ISIBBI/R/2018/50003

IN THE MATTER OF

Ms. Nagireddy Pravallika

[REDACTED]  
[REDACTED]  
[REDACTED]

..... Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India  
7<sup>th</sup> Floor, Mayur Bhawan  
New Delhi

..... Respondent

**ORDER**

1. The present Appeal No. ISBBI/A/2018/60003 dated February 4, 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 Ms. Nagireddy Pravallika against the order of the CPIO, Ms. Anita Kulshrestha, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISIBBI/R/2018/50003.
2. On a detailed perusal of the RTI Application of Ms. Nagireddy Pravallika and her subsequent RTI Appeal it is observed that the appellant, with respect to public announcement under Corporate Insolvency Resolution Process dated 10-08-2017 for the creditors of M/s. Lanco Infratech Limited, seeks the following information from the Insolvency and Bankruptcy Board of India: -

- (1) “Reasons for not admitting the remaining amount (Rs. 19,58,78/-) in the updated list on 16-01-2018.
  - (2) The details of admitted amount, i.e. Rs. 2,03,880 /-
  - (3) The Claim amount details like GDLI, EDLI and final settlements.
  - (4) The company had taken the cover of GDLI amount but the amount did not disbursed to legal representative. Please provide me the details of the GDLI amount.
  - (5) What are the actual post death benefits.”
3. The CPIO, Insolvency and Bankruptcy Board of India had disposed of the RTI Application on January 31, 2018 stating that: -  
 “The information sought is not available with The Insolvency and Bankruptcy Board of India.”
  4. The appellant in the present appeal has averred that “The Insolvency and Bankruptcy Board of India (IBBI) only given public announcement & IBBI only started Corporate Insolvency Resolution process and IBBI only appointed Mr. Savan Godiawala as Insolvency Professional, and he has to submit the reports to IBBI. and that Corporate debtor M/s. Lanco Infratech Limited is under your control.”
  5. The appellant further averred that “Since this process was initiated by you (IBBI), and on behalf of IBBI only Mr. Savan Godiawala is doing insolvency processing, request you to furnish the details which I requested in my RTI application under RTI Act 2005, as earliest.”
  6. The present RTI appeal has been examined and also the reply given by the CPIO with respect to RTI application in the light of the judgments of the Hon’ble Supreme Court and orders of Hon’ble CIC.
  7. The Hon’ble Supreme Court of India in *Thalappalam Ser. Coop. Bank Ltd. & Ors, v. State of Kerala & Ors. (Civil Appeal No. 9017 of 2013)*, while interpreting the term “information” enshrined in Section 2(f) of the RTI Act, 2005 has observed that citizens have a right to get information, but can have access only to the information “held” and under the “control of public authorities”, with limitations. If the information is not statutorily accessible by a public authority, as defined in Section 2(h) of the Act, evidently, that information will not be under the “control of the public authority”.

8. The Hon'ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors.* (Civil Appeal No. 6454 of 2011), has, inter alia, held: "*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.*
9. The Hon'ble CIC in the matter of *Sh. Alok Shukla vs. CPIO, SEBI* (File No. CIC/SM/A/2012/001838), held: "*While dealing with RTI, we should not forget that information means only an existing material record. The CPIO can provide the copy of the available records; he cannot create new records in order to address specific queries of the Appellant.*
10. In view of the above, the information sought by the appellant under the points 1,2, 3 and 4 are neither 'held' by the Insolvency and Bankruptcy Board of India which is a public authority, nor such information is under its 'control'. The information solicited by the appellant under point 5 amounts to obtaining the opinion and advice of the Insolvency and Bankruptcy Board of India which does not fall under section 2(f) of the Right to Information Act, 2005.

Accordingly, the appeal is disposed of.

**Sd/-**

**(Dr. Mukulita Vijayawargiya)**  
Whole Time Member and First Appellate Authority

Copy to

1. Ms. Nagireddy Pravallika

[Redacted]  
[Redacted]  
[Redacted]

2. CPIO, Insolvency and Bankruptcy Board of India  
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