

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

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 17th May, 2022

IN THE MATTER OF

Ishrat Ali

... 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 vide letter dated 28th April 2022 (received by Insolvency and Bankruptcy Board of India (IBBI/Board) on 6th May 2022), challenging the communication of the Respondent dated 21st April 2022 with regard to his RTI Application No. ISBBI/R/E/22/00092 dated 31st March 2022 filed under the Right to Information Act, 2005 (RTI Act).
2. On perusal of the RTI Application, the Appellant had requested the following information regarding the Order of NCLT, Mumbai dated 25th February, 2022 bearing CP No. 4108 of 2018, as available on the website of the IBBI –
 - a. Date & Time of uploading of the said Order on the official Web-site of the IBBI
 - b. Name of the person & his/her official designation who uploaded the said Order on the IBBI website
 - c. Date and Time of uploading of FORM A (the Public Announcement) on the IBBI website in the matter.
 - d. Name of the person and his/her official designation who uploaded it on the IBBI website
 - e. Information if any CIRP Form in this respect was filed by the IRP. If yes, to provide details and copy or copies of the same.
3. The Respondent, *vide* letter dated 21st April 2022, provided information on point (a) and (c), and claimed exemption under section 8(1)(j) of the RTI Act on point (b), (d) and (e). Aggrieved by the same, the Appellant has filed this Appeal challenging the exemption taken by the Respondent on point (b), (d) and (e). The Appellant has submitted that “*the information sought is firstly not covered under the ‘official secret act’. Secondly it is not going to cause any unwarranted invasion of the privacy of the individual or any person. Thirdly no personal information has been sought. Fourthly the information sought is very much related to public interest and/or activity. And last but not the least, the information sought is the information which cannot be denied to the Parliament or the State Legislature.*”

4. 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. The Appellant's "right to information" envisaged in section 3 of the RTI Act is subject to the provisions of the Act. 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. Further, section 2(j) of the RTI Act defines the "right to information" in term of information accessible under the Act which is held by or is under the control of a public authority. Thus, if the public authority holds any information in the form of data, statistics, abstracts, etc. an applicant can have access to the same under the RTI Act subject to exemptions under section 8.
5. It is not clear from the response of the Respondent as to how information is exempted from disclosure under section 8(1)(j) of the RTI Act. In the instant case, the Respondent has not given any reason or justification for invoking section 8(1)(j) of RTI Act. Section 8(1)(j) exempts information which relates to personal information, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless a larger public interest justifies the disclosure of such information. It is obviously denial without any specific reason. The Respondent is advised to take into account these requirements of law while dealing with information requests under the RTI Act. Having observed this, I deem it fit to deal with this request on merits in the interests of the right to information and scope of information disclosures under the RTI Act.
6. In the Appeal, the first contention of the Appellant is that the disclosure of name and designation of person who uploaded the Order/Form A is not exempted under section 8(1)(j). Section 8(1)(j) of the RTI Act exempts information which relates to personal information, the disclosure of which has no relationship to any public activity or interest. If the information sought for is personal and has no relationship with any public activity or interest or it will not sub-serve larger public interest, the Respondent is not legally obliged to provide that information. The Hon'ble Supreme Court in *Bihar Public Service Commission vs. Saiyed Hussain Abbas Rizvi and Ors.* (Civil Appeal No. 9052 of 2012 (Arising out of SLP (C) No. 20217 of 2011) vide Order dated 13th December 2012 observed that –
"In terms of this provision, information which relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual would fall within the exempted category, unless the authority concerned is satisfied that larger public interest justifies the disclosure of such information. It is, therefore, to be understood clearly that it is a statutory exemption which must operate as a rule and only in exceptional cases would disclosure be permitted, that too, for reasons to be recorded demonstrating satisfaction to the test of larger public interest. It will not be in consonance with the spirit of these provisions, if in a mechanical manner, directions are passed by the appropriate authority to disclose information which may be protected in terms of the above provisions."

In *Canara Bank v. C.S. Shyam and Anr.* (Civil Appeal No. 22 of 2009) vide decision dated 31st August 2017, the Hon'ble Supreme Court observed as follows -

“In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.”

In H.E. Rajashekarappa v/s State Public Information Officer & Others, Writ Petition No.10663 of 2006 (GM-RES) decided on, 01 July 2008, the Hon’ble High Court of Karnataka observed that –

“The object of the Act is to provide right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. In view of the above provisions excerpted, it cannot be said that Section 2(f) of the Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority. Therefore, the respondent No.3 had no right under the Act to seek personal information of the petitioner...”

Further, the First Appellate Authority in Dr. Shivani Sandesh Mayekar Vs. CPIO, SEBI, Mumbai (Appeal No. 1608 of 2013) vide Order dated February 21, 2013 had also observed that -

“the disclosure of information relating to the name, designation, etc. of SEBI official(s), is exempt under sections 8(1)(g) and 8(1)(j) of the RTI Act. In view of these observations, I find that the respondent was justified in invoking the provisions of sections 8(1)(g) and 8(1)(j) of the RTI Act, in his response, while denying the information as sought by the appellant, through the instant query.”

7. In view of above, I hold that the name and designation of Officers of IBBI as requested under point (b) and (d) above, is exempted under section 8(1)(j) of the RTI Act. Further, I am also not satisfied as to how a larger public interest is involved. As such I find no valid ground to outweigh the scope of exemption under section 8(1)(j).
8. With regard to request at point (e), the Appellant has asked for information if “any CIRP Form” has been filed by the IRP and if so, to provide “details and copy or copies” of the same. In this regard, it is not clear as to which CIRP Form is the Appellant referring to. In my view, the Respondent is not bound to respond to such inquiries under the RTI Act. In this regard, it is also relevant to refer to the Order dated April 21, 2006, of the Hon’ble CIC in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr*, wherein it was observed that: “the RTI Act does not cast on the public authority any obligation to answer queries 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.”

9. The appeal is, accordingly, disposed of.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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