

**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: 27th January, 2023

RTI Appeal Registration No. ISBBI/A/E/23/00001

IN THE MATTER OF

Pramod Kumar Jain

... 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 03rd January 2023, challenging the communication of the Respondent dated 23rd December 2022 with regard to his RTI Application No. ISBBI/R/E/22/00271 dated 03rd December 2022 filed under the Right to Information Act, 2005 (RTI Act). In the RTI Application, the Appellant has stated that –
“...We would like to know the action which was taken on our complaint as we have not been informed on any such detail and the complaint was disposed of. Kindly let us know the details which has been taken on our complaint.”
2. The Respondent had stated that the matter was examined as per IBBI (Inspection and Investigation) Regulations, 2017 and thereby the show cause notice issued was disposed *vide* Disciplinary Committee’s Order dated 15th November 2022. The link to the copy of the order was also made available to the Appellant.
3. In the Appeal, the Appellant has stated that -
“The order copy received on the complaint is no pertaining to our complaints. Our grounds of complaints are different so I am hereby attaching the copy of complaint. We need the detailed action record taken on our complaint.”
4. 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.

5. The aforesaid definitions do not contemplate redressal of complaints or grievances as sought by the Appellant in the instant appeal as the grievances cannot be dealt under RTI Act. The law permits IBBI to deal with grievances in accordance with the provisions of Insolvency and Bankruptcy Board of India (Grievance and Complaint Handling Procedure) Regulations, 2017 (Regulations). Any grievance in this regard could be raised under regulation 7 of the Regulations that permits the complainant to request a review of decision of the Board, within thirty days, if he is not satisfied with such decision; and cannot be addressed by taking recourse to the RTI Act.
6. Accordingly, I do not find merit in the Appeal and 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, Pramod Kumar Jain.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.