

**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: 3rd August, 2022

RTI Appeal Registration Number - ISBBI/A/E/22/00032

IN THE MATTER OF

Firoz T. Totanawala

... 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 6th July 2022, challenging the communication of Respondent dated 5th July 2022 whereby he had denied the information requested by the Appellant vide his RTI Application No. ISBBI/R/P/22/00026 dated 25th June 2022 filed under the Right to Information Act, 2005 (RTI Act). The Appellant has requested for –
“...Details of action taken on my complaint against M/s KNK Construction Pvt Ltd Bangalore-DT:12-11-2022 copy of complaint letter dt: 12-11-2022 enclosed...”
2. The Respondent denied the information stating that the “Information sought is in the nature of complaint/grievance and the same is not covered under the definition of information under section 2(f) of the RTI Act, 2005.”
3. In his Appeal, the Appellant has submitted the following –
“...the PIO issued me an RTI Online reply on date 05/07/2022, declining to provide the information sought for.
The PIO mentioned Section 2(f) as a basis to reject my RTI request. I am shocked to learn that the Section 2(f) explains the definition of Information and on the contrary, stipulates clear guidelines to provide the information to RTI applicants. Whereas the PIO here, rejected to provide information citing the same Section.
It shall be noted that I had submitted a complaint about a corporate fraud with the IBBI on date 12/11/2021. The said RTI was filed to seek details of actions taken by the IBBI on my complaint. And it is amusing that the IBBI disposed off my RTI which sought details of actions taken on my own complaint citing Section 2(f).
I thus request your kind self to direct the PIO to provide me the information I sought in my RTI.”
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. 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. The inclusive list provides for the right to - (i) inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes,

video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device. 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.

5. The aforesaid definition contemplates providing of material in the forms of records, documents, opinions, advice, etc. 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 and which can be disclosed subject to exemptions under section 8 of the RTI Act. 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. It is thus, clear that the “*right to information*” under section 3 of the RTI Act is circumscribed by RTI Act itself as the right is limited within scope of ‘*information*’ as defined under section 2(f) and is subject to other provisions including those under section 8 of the Act.
6. The Appellant has requested for details of actions taken on his complaint and not redressal of his complaint from the Respondent through the instant RTI application. The details of action on complaint including the date of receipt, the date of disposal and the nature of decision taken on the complaint as available on record are covered in the definition of “*information*” and the same should be provided by the Respondent to the Appellant. I direct accordingly.
7. The Appeal is disposed in terms of the above direction.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

1. Appellant, Firoz T. Totanawala.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.