

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

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 12TH OF AUGUST, 2018

Appeal No. ISBBI/A/2018/00014 (F. No. IBBI/RTI/ANINDYA ROY/125)

Dated: July 30, 2018

Arising out of Order dated July 3, 2018 under RTI Request No.
ISBBI/R/2018/00020

IN THE MATTER OF

Mr. Anindya Roy

.....

Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan

New Delhi

.....

Respondent

ORDER

1. The present Appeal No. ISBBI/A/2018/00014 dated July 30, 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 Mr. Anindya Roy against the order of the CPIO, Mr. Umesh Kumar Sharma, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/00020.
2. On a detailed perusal of the RTI Application of Mr. Anindya Roy, it is observed that the appellant sought the following information from the Insolvency and Bankruptcy Board of India: -
 - (i) *“whether a Post Graduate Degree in Valuation in Real Estate/Plant & Machinery from a recognised university is exempted from appearing in the valuation examination conducted by the Insolvency and Bankruptcy Board of India.”.*
3. The appellant vides a letter dated July 30, 2018 averred the following: -

“In reply to my enquiry it is mentioned that as per the Rule 5, ‘Valuation Examination is mandatory for all individuals seeking registration as

valuer', but as per the Gazette of India no. 866 dated 18-10-2017 it I stated in Rule 5- 'Provided also that the authority may recognise an examination conducted by a University as part of a master's or Post Graduate Course conducted by a University which is equivalent to the Valuation Examination'. It appears to be contradictory to each other."

4. The present RTI appeal has been examined and I have perused the response provided by the respondent in respect of the queries raised in the RTI application.
5. The Hon'ble CIC in the matter of *S.K. Kapoor Vs. CPIO, SEBI & Anr.* (Order dated February 21, 2007), wherein, held: "...the SEBI Act, Rules, all its instructions are properly in the public domain already, which the appellant can easily access by putting up little bit of extra effort. Far from it, he wishes to treat the public authority as his Consultants who should enable him to locate provisions of Acts & Rules at public cost. This is not what the RTI Act is all about. In view of the above, there shall be no disclosure obligation regarding this item of information".
6. Further, the Companies (Registered Valuers and Valuation) Rules, 2017 is placed on the website- 'www.ibbi.gov.in', i.e., public domain and accessible to all. Once the information is available in the public domain, it cannot be said to be 'held' or 'under the control of' the public authority.
7. In this context, the information sought by the appellant under para 3 is in the nature of seeking advice/opinion, therefore, it does not fall under the definition of the information under section 2(f) of the Right to Information Act, 2005.
8. Accordingly, the appeal is disposed of.

Sd/-

(Mukulita Vijayawargiya)

Whole Time Member and First Appellate Authority

Copy to

1. Mr. Anindya Roy
2. CPIO, Insolvency and Bankruptcy Board of India
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