

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

2nd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi- 110 001
Dated: 8th September, 2020

RTI Appeal Registration No. ISBBI/A/E/20/00017

IN THE MATTER OF

Mr. Manoj K Kamra

..... 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

This appeal is borne out of the application under Right to Information (**RTI**) Registration No. ISBBI/R/E/20/00097. The information sought by the appellant under section 6 of the Right to Information Act, 2005 (**Act**) and the reply given by the respondent are as under:

<i>Sl. No.</i>	<i>Information Sought</i>	<i>Reply by CPIO</i>
	<i>Sub- Details of exemption given to CPIOIBBI from compliance of section 7(8)(iii) of RTI act and DoPT circular attached in sending RTI reply</i> <i>Ref- None of my any rti application reply by learned CPIO Mr Umesh Sharma having application no., identity of deemed CPIO as well as his own identity as CPIO (to deliberately hide his own identity) mandated by circular of DoPT, RTI rules AS MY APPLICATIONS ARE YOUR OFFICE RECORD UNDER SECTION 2(I), 2(J)</i>	
a)	<i>(1) Copy of any relaxation/exemption to CPIO Mr Umesh Sharma for compliance of DoPT circular attached (in view of openly flouting this circular in every application by deliberately hiding application no., email address, phone number, name, designation).</i>	<i>Information sought is not available.</i>

b)	<i>(2) If 1 is no, Reply of any of My applications to IBBI attached/any other applications (if any) showing information of application number, date of reply, identification of CPIO with email address, phone number in compliance to DoPT circular (regd numbers screenshot of portal attached)</i>	<i>The RTI application was received through MIS RTI portal and the reply was also uploaded on the RTI portal maintained by the Central Government. The portal itself shows the particulars of the CPIO and appellate authority. Moreover, the website of the IBBI has also provided all the particulars including the name, address, contact number of the CPIO as well as the FAA.</i>
c)	<i>(3) Copy of any relaxation/exemption to CPIO Mr Umesh Sharma to comply section 7(8)(iii) of RTI act, if any (in view of openly flouting section 7(8)(iii) of rti act without showing FAA details)</i>	<i>As per reply no.2.</i>
d)	<i>(4) If 3 is no, reply of any my applications complying section 7(8)(iii) by giving details of his FAA</i>	<i>As per reply no.2.</i>
e)	<i>(5) Copy of screenshot information under 2(f) of all my 8-mails to IBBI chairperson from the computer screen showing actual status BY ENTERING SEARCH TERM OF MY EMAIL ADDRESS manojkamrarti@gmail.com IN THE EMAIL BOX OF chairperson@ibbi.gov.in for DISCLOSURE OF ILLEGALLY DELETION OF ALL MY EMAILS (as well as to ensure transparency of working of IBBI)</i>	<i>Annexure- A.</i>
f)	<i>(6) If 5 is not available , details of deleting my email with copy of relevant rules of deleting emails (none of my 8 emails detailed status had been given by learned CPIO by labeling my query to know status of emails to be illegally suggestive in nature) Encl-DoPT circular mandating disclosure of CPIO identity and portal regd numbers of all my application to IBBI for ready reference mainly focused on knowing actual status of my 8-emails to chairperson IBBI sent during two years span</i>	<i>Information as asked under point no. (5) are given in as above.</i>

2. As understood from the appeal by this FAA, the ground of appeal appears to be: ***Provided Incomplete, Misleading or False information***. It is pertinent to note that this appeal relates

to the same issue agitated repeatedly by the appellant, only to know, in clear terms, if his e-mails sent to Insolvency and Bankruptcy Board of India (IBBI) have been deleted/concealed with a view not to initiate any action thereon.

3. In this appeal, the appellant has broadly, submitted the following:
 - a. The respondent has deliberately given false and misleading information on the 8 e-mails sent by the appellant to the Chairperson, IBBI and no reasons were provided by the respondent for denial of information raised at points (e) and (f) of para 1 above.
 - b. With reference to point (e) of para 1 above, the respondent has given the appellant a copy of the appellant's e-mails, rather than providing pdf/screenshot of the e-mail of IBBI showing that the e-mails sent by appellant were received by IBBI. Accordingly, this FAA has been requested to provide evidence of linking the e-mails sent by the appellant to the e-mail of IBBI.
 - c. In view of non-production of appellant's e-mails in the e-mail of IBBI, a copy of action against the official who is alleged to have deliberately deleted the appellant's 8 e-mails sent over a period of two years, be provided.
4. On the contrary, the respondent has submitted the following:
 - a. The information requested by appellant at points (e) and (f) of para 1 above was never denied by the respondent.
 - b. Further, the information sought by the appellant was already provided in the response to the original RTI application submitted by the appellant.
5. In view of the above, this FAA noted that *vide* order dated 3rd July 2020 in the matter of *Mr. Manoj Kamra Vs. CPIO, IBBI* in the RTI Appeal Registration No. ISBBI/A/E/20/00011; RTI Appeal Registration No. ISBBI/A/E/20/00012 and RTI Appeal Registration No. ISBBI/A/E/20/00013, it observed the following in the context of the alleged e-mails sent by the appellant:

“Accordingly, this casts an obligation under the Act on the respondent to provide information, if available, as to whether (i) the emails sent by the appellant were forwarded to any other authority; and (ii) if these were forwarded, the name of the authority and the date and time of such forwarding along with the copy of the forwarding emails, shall be provided to the appellant. Accordingly, this FAA directs the respondent-CPIO to provide the appellant with the details in terms of (i) and (ii) above, within 10 days from the date of receipt of this order.” (Emphasis supplied)

6. Accordingly, the CPIO *vide* e-mail dated 12th July 2020 has provided the following information to the appellant:

“With regard to the information to be furnished as per the Order of FAA dated 3rd July 2020 in the matter of RTI Appeals of Mr. Manoj K Kamra, it is informed that-

“The email received from the appellant was only suggestive in nature and required no specific action from IBBI. The suggestions received from public are part of

internal database for records. The e-mail was not forwarded to any other Authority.”” (Emphasis supplied)

7. From the above information provided by the CPIO, it is clear to this FAA that:
 - a. the e-mails referred to by the appellant were received by the IBBI;
 - b. the e-mails were not forwarded to any other authority by the IBBI; and
 - c. the said e-mails were not deleted and, accordingly, no action is called for at this juncture.
8. Accordingly, in regard to submissions of the appellant at para 3(a) above, this FAA agrees with the respondent that he has not given any false and misleading information and the requested information was never denied to the appellant. Hence, this issue is decided against the appellant.
9. With regard to submissions of the appellant at para 3(b) above, this FAA noted that the information provided by the CPIO at **Annexure A** of the reply did provide the copy of the e-mails sent by the appellant disclosing the receipt of the same. Since copy of e-mails sent by the appellant was received and acknowledged by IBBI, it is found that no further action is required in the matter being agitated again by the appellant.
10. As regards submissions of the appellant at para 3(c) above, regarding report of action taken against any official for deleting the appellant's e-mails, this FAA finds that since the e-mails were not deleted, this issue is also decided against the appellant.
11. The appeal is accordingly disposed of as per the foregoing.

(Sd/-)

(K. R. Saji Kumar)

Executive Director and First Appellate Authority

Copy to:

1. Appellant, Mr. Manoj K Kamra.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.