

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

2<sup>nd</sup> Floor, Jeevan Vihar Building  
Sansad Marg, New Delhi- 110 001

**Dated: 12<sup>th</sup> August, 2021**

**RTI Appeal Registration No. ISBBI/A/E/21/00018**

**IN THE MATTER OF**

**Dr Gp Capt Atul 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. Vide his RTI Application No. ISBBI/R/T/21/00015 dated 5<sup>th</sup> July 2021 filed under the Right to Information Act, 2005 (RTI Act), the Appellant had for asked the following : -

*“Pl, provide me copies of all Rule/Order/Notice/Circular issued by GoI/MCA on the - PROCEDURE TO BE FOLLOWED BY PARTIES AFTER FILLING THE APPLICATION UNDER IBC TILL ISSUE OF JUDGEMENT. PL does not give copies of any rule/order/notice/circular issued by GoI / MCA which is part of the Company Act / IBC. Pl do not tell me to see a particular website and search the same. Pl, provide me clearly specific doc. You may give it in pdf by email or emode.”*

2. The Respondent, Central Public Information Officer – CPIO of Insolvency and Bankruptcy Board of India (IBBI) vide communication dated 15<sup>th</sup> July 2021 informed the Appellant that: – *“IBBI has not issued any party specific regulation for procedure to be followed by parties after filing the application under IBC till issue of judgement. You can access the usual regulations issued by IBBI at <https://ibbi.gov.in/legal-framework/>.”*
3. The Appellant has filed present Appeal No. ISBBI/A/E/21/00018 dated 16<sup>th</sup> July 2021 challenging the aforesaid communication of the Respondent and has expressed his following views:

*“TBBI has stated that they have not issued any party-specific regulation. They have not stated that they have no knowledge whether NCLT /NCLAT has issued any such order/procedure/notification OR*

*they have got a copy of any such order from NCLT/NCLAT. This is important as IBBI undertakes compilations of all orders/procedures/notifications issued by the Chairperson of NCLT/NCLAT as Administrative Orders.”*

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 term of information accessible under the Act which is held by or is under the control of a public authority. The Appellant has not made any convincing argument as to how his requests in these points of his application are covered in the definition of ‘*information*’ under section 2(f) the RTI Act.
5. Thus, it is relevant to examine whether the Appellant requisitioned any “*information*’ that is under the control of the IBBI. From the averments of the Appellant made in his Application and Appeal, I note that, while on the one hand, the Appellant has asked for copies of rule/order/notice/circular issued by Central Government on the procedure to be followed by parties after filling the application under IBC till issue of judgement (by NCLT), on the other, he has instructed the Respondent to not provide copies of ‘*any*’ rule/order/notice/circular issued by Central Government which is part of the Companies Act / IBC and then he has advised the Respondent to not to tell him to see a particular website and search the same. The request of the Appellant is apparently vague and contradictory.
6. Further, while in his application the Appellant has made vague and contradictory request whether to get or not the copies of rule/order/notice/circular issued by Central Government on the -procedure to be followed by parties after filling the application under IBC till issue of judgement (by NCLT), he has assailed the impugned communication by contending that the Respondent has not ‘*stated that they have no knowledge whether NCLT /NCLAT has issued any such order/procedure/ notification OR they have got a copy of any such order from NCLT/NCLAT*’. It is thus, unclear as to what information the Appellant wants to get from IBBI under the RTI Act.
7. I am of the view that an applicant under the RTI Act is expected to provide specific details in respect of each point/item of information sought by him/her. In this case, the Appellant has not specified his exact information requirement to the Respondent. Nor has he

specified the same in this Appeal. In the matter of *Shri Harmit Singh Vs. Central Excise Department, Chandigarh* (Order dated November 07, 2008) the Hon'ble CIC *inter alia* held that the respondents therein were right in rejecting the request as it is quite unclear and vague and no specific information can be identified on the basis of the signals contained in the query. In the matter of *Smt. Guninder Gill Vs. Shri Muktesh Chander* (Order dated June 01, 2006), the Hon'ble CIC had emphasised that request should have clarity regarding what exact information the applicant needs.

8. The issue as to whether or not Respondent should be directed to answer the question of the Appellant is irrelevant and immaterial when the Appellant asked questions and such vague information through the RTI route from him. The RTI Act is meant for providing 'information' which should be identifiable and available in the records of the public authority. As held by Hon'ble CIC vide its Order dated April 21, 2006 in the matter of *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr*, 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.* The Appellant's expectation to get statement from 'the Respondent whether he knows or not about issuance of any order/procedure/notification by NCLT /NCLAT' is clearly beyond the scope of the definition of 'information' under section 2(f) of the RTI Act and the Respondent did not have any obligation to provide any response/answer to such expectations.
9. Be that as it may, the question would also be whether the Respondent was obligated to provide copies of any documents to the Appellant mentioned in his Application and Appeal. In this case, I find that in his Application, the Appellant neither asked for any particular document or record nor for information under control of the IBBI. In this regard, I note that Hon'ble Supreme Court of India in its judgment dated August 9, 2011, in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.*, *inter alia*, held that the RTI Act provides access to all information that is available and existing and where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such information and then furnish it to an applicant.

10. In the instant case, the Respondent clearly informed the position about availability of information with IBBI and how it can be accessed. Nevertheless, all the documents mentioned in Application and Appeal of the Appellant are available in public domain or can be easily found by Appellant. He can not expect Respondent to prepare information as he seeks and provide to him. I note that, in the matter of *S. K. Kapoor Vs. SEBI*, the Hon'ble CIC in the vide Order dated February 21, 2007 held that : "*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.*" Further, the Hon'ble CIC, in its decisions dated August 24, 2011, in the matters of *R. K. Goel & Anr. Vs SEBI* and *K. L. Wadhwa Vs. SEBI*, has made it clear that SEBI cannot be compelled to access the desired information from whomsoever holds it solely for the purpose of sharing it with the information seeker. The decisions of Hon'ble CIC hold good for any public authority under the RTI Act.
11. I, therefore, find that the Respondent did not have any obligation to collect or create the documents for the sole purpose of providing the same to the Appellant under the RTI Act. It is for the Appellant to find out the answer for his questions/ expectations by a reading of the rules/regulation/notifications/orders of the Central Government/MCA, NCLT/NCLAT which are available in the public domain. The Appellant cannot expect the public authority to work as consultant or secretariat or back office for him.
12. In view of the above, I find that there is no need to interfere with the decision of the Respondent. The appeal is accordingly dismissed.

Sd/

**(Santosh Kumar Shukla)**  
First Appellate Authority

**Copy to:**

1. Appellant, Dr Gp Capt Atul Jain.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2<sup>nd</sup> Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.