

**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: 14<sup>th</sup> June, 2023**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act)**

**IN THE MATTER OF**

**Debaprasad Bandyopadhyay**

... Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India

2<sup>nd</sup> Floor, Jeevan Vihar Building

Sansad Marg, New Delhi - 110 001.

... Respondent

- 
1. The Appellant has filed the present Appeal dated 16<sup>th</sup> May 2023, challenging the communication of the Respondent dated 15<sup>th</sup> May 2023 in his RTI application no. ISBBI/R/E/23/00050. In his RTI application filed under the Right to Information Act (RTI Act), the Appellant had requested for the following -  
*“Can the RBI appointed Administrator for DHFL, Mr. R. Subramaniakumar along with the rest of the Committee of Creditors (especially the Representative of the Public Depositors, Mrs. Charu Sandeep Desai) perform the proceedings of the resolution process without the presence of the former owners or promoters of the company, viz., Kapil Wadhawan and Dheeraj Wadhawan?”*
  2. The Respondent has stated that *“the applicant has sought query which is not covered under the ambit of definition of “information” in terms of section 2(f) of the RTI Act.”* Aggrieved by the same, the Appellant has filed the present appeal.
  3. 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. 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. While the *“right to information”* flows from section 3 of the RTI Act, it is subject to other 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. 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.

4. The Appellant has requested for fact specific replies from Respondent with respect to conduct of proceedings in the matter of DHFL. Such inquiries are not covered in the scope of 'information'. As held by 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, that: "*A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority...*" Further, Hon'ble CIC in *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances & Pension, Department of Personnel & Training, North Block, New Delhi -110001*, File No: CIC/MPERS/A/2017/158527/SD (Decision dated 06.05.2019), has also observed that: "*Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarify/deduct information in respect of queries/clarifications.*"
5. As stated in the Guide on the RTI Act issued by the DoPT under OM No. 1/32/2013-IR dated 28th November 2013 - "*The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to furnish information which require drawing of inference and/or making of assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.*"
6. Such question by Appellant, in my view, are in nature of inquiries soliciting response of the Respondent, and beyond the scope of right to information under the RTI Act. The Respondent is not bound to respond to such inquiries under the RTI Act. In this regard, it is also relevant to refer to the Order dated April 21, 2006, of the Hon'ble CIC in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr*, wherein it was observed 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.*"
7. In view of the above, I do not find any reason to interfere with the response of the Respondent. Accordingly, the Appeal is disposed of.

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

**Copy to:**

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