

**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> July, 2022**

**RTI Appeal Registration No. ISBBI/A/E/22/00023**

**IN THE MATTER OF**

**Ashish Mohan Gupta**

... 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

**ORDER**

1. The Appellant has filed present Appeal dated 15<sup>th</sup> June 2022, challenging the communication of the Respondent dated 14<sup>th</sup> June 2022 with regard to his RTI Application No. ISBBI/R/E/22/00148 dated 9<sup>th</sup> June 2022 filed under the Right to Information Act, 2005 (RTI Act).
2. 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 the RTI Application, the Appellant has stated that he is real estate allottee of Jaypee Infratech Ltd. (CD) and is also a member of committee of creditors (CoC) of CD. Accordingly, he had requested the Respondent to provide the records maintained in compliance of Regulation 26 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. In the Appeal, he has stated that as Insolvency and Bankruptcy Board of India is the regulator for the insolvency professionals, the Appellant has requested the IBBI to *‘either source the information from the concerned IRP or Direct the concerned IRP to provide the desired information’*.
3. 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. 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. It is pertinent to mention that scope of information disclosure under the RTI Act is circumscribed by RTI Act itself. 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 and which can be disclosed subject to exemptions under section 8(1)(a) to 8(1)(j) 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.
4. The RP is an Insolvency Professional registered with IBBI and he is a professional proposed by the creditors and appointed by Adjudicating Authority (AA) for conducting the corporate

insolvency resolution process of the CD. He is not a 'public authority' within the meaning of the expression under section 2(h) of the RTI Act. Thus, it is not in the power of the Respondent to source the information from the IRP or direct the concerned IRP to provide information under the provisions of the RTI Act.

5. Further, the Respondent is under obligation to disclose information which is available and is held by him. He is not expected to create information under the RTI Act. Accordingly, no further information could have been provided by the Respondent to the Appellant.
6. In view of the above, I find no reason to interfere with the decision of the Respondent. The appeal is, accordingly, disposed of.

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

**Copy to:**

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