

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

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 30TH OF APRIL 2019

Appeal No. ISBBI/A/2019/00024 (F. No. – IBBI/BS/RTI/RTI APP/246/Sheetal)

Arising out of order dated February 25, 2019 under RTI Registration No. ISBBI/R/2019/00006

IN THE MATTER OF

Ms. Sheetal Prakash Sangam

..... Appellant

V/s

CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan
New Delhi

..... Respondent

ORDER

1. The present Appeal No. ISBBI/A/2019/00024 dated 5th April, 2019, received by the office of the First Appellant Authority (**FAA**), Insolvency and Bankruptcy Board of India, New Delhi (**Board**) under the Right to Information Act, 2005 has been preferred by Ms. Sheetal Prakash Sangam against the order of the CPIO, Dr. Anuradha Guru of the Board with respect to her RTI request, bearing Registration No. ISBBI/R/2019/00006.
2. After perusal of the RTI application of Ms. Sheetal Prakash Sangam to the Board, it is observed that the appellant has asked for information along with attested xerox copies of documents. In the appeal, the appellant (in grounds of appeal) has raised questions such as (only relevant part of the questions taken):
 - a) Who are members of IVO.
 - b) Necessity of registering practicing valuers with IBBI if already registered under Sec. 34AB of Wealth Tax & Companies Act.
 - c) Does IBBI is now the only authority to register the professional valuers.
 - d) Who has been declared as “RVP” in place of “Agriculture land valuers” for Agricultural assets valuation & by which provisions?
3. The Respondent, CPIO, Dr. Anuradha Guru of the Board in reply to the RTI request of the appellant, bearing Registration No. ISBBI/R/2019/00006, opined that:

“Information sought is in the nature of seeking advice or opinion, therefore, it does not fall under the definition of information under RTI Act.”

4. The appellant has preferred this appeal against the above stated order of the CPIO, Dr. Anuradha Guru of the Board contending that though the definition of ‘information’ as provided for in Section 2(f) of the RTI Act, 2005 includes opinions and advices, hence reply received from CPIO is incorrect and illegal. Further the appellant has alleged that she has not been given any information on her RTI application by giving irrelevant reply on false, flimsy & vexatious grounds by the CPIO of the Board.
5. The present RTI appeal has been examined and I have perused the information in respect of the queries raised in the RTI application.
6. Section 2(f) of the RTI Act, 2005 reads thus:

“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;

In the instant matter, the appellant has sought advice, asked questions to the Board and not information as defined in the above stated provision, from the Board.
7. The Supreme Court of India in *Central Board of Secondary Education & Anr. v. Aditya Bandopadhyay & Ors.* (Civil Appeal No. 6454 of 2011), has *inter alia* held: *“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.”*
8. Also, the Hon’ble High Court of Bombay in the matter of *Dr. Celsa Pinto, Ex-Officio Joint Secretary (School Education) v. The Goa State Information Commission* [2008 (110) Bom LR 1238] while interpreting Section 2(f) of the RTI Act, 2005, held: *“The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.”*

9. Also, the Hon'ble CIC in the matter of Shri Alok Shukla v. CPIO, SEBI (File No. CIC/SM/A/2012/001838), held: *“While dealing with RTI, we should not forget that information means only an existing material record. The CPIO can provide the copy of the available records; he cannot create new records in order to address specific queries of the Applicant.”*
10. In view of the above, the request of the appellant cannot be accepted and accordingly, the appeal is disposed of. However, the appellant may inspect the relevant record available with the Board (on the subject) and then may obtain copies of the same as per relevant provisions of the RTI Act, 2005 and the Right to Information Rules, 2012.

Sd/-

(Dr. Navrang Saini)

Whole Time Member and First Appellate Authority

Copy to:

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