

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

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 21st April, 2023

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/23/00012**

IN THE MATTER OF

Robin Mittal

... 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

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1. The Appellant has filed the present Appeal dated 25th March 2023, challenging the communication of the Respondent dated 24th March 2023 in respect of his RTI application no. ISBBI/R/E/23/00027 filed under the Right to Information Act (RTI Act).
 2. It is noted that in his RTI application, the Appellant had requested for '*Copy of Disciplinary committee report that DC finds alleged contraventions did not sustain*' against Mr. Vivek Raheja, Resolution Professional in its Order No. IBBI/DC/152/2023 date 17th February, 2023. The Respondent has stated that '*the copy of Disciplinary Committee Order can be accessed from the website of IBBI at <https://ibbi.gov.in/en/orders/ibbi>.*' In the Appeal, the Appellant has stated that the Respondent has provided '*misleading information*' and has not provided '*Copy of Disciplinary committee report that DC finds at SN 2.2.14 that alleged contraventions did not sustain.*'
 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. 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. The Respondent is expected to provide information as available on record and not create any information.
 4. In this case, I note that the request of Appellant is misconceived in as much as he has sought something which does not exist much less being held or in control of the Respondent. The Disciplinary Committee while deciding the case based on show cause notice and replies thereto does not draw or prepare any Report as asked for by the Appellant. Same is beyond the scope of 'right to information' under section 2(j) of the RTI Act as there is no Disciplinary

Committee report which is available on record against Disciplinary Committees' Order No. IBBI/DC/152/2023 date 17th February, 2023 which can be provided to the Appellant.

5. The Disciplinary Committee passes orders after considering the show cause notice, replies of the Noticee and material available on record. The Respondent has provided the link where the Disciplinary Committee Order can be accessed from the website of IBBI. The Respondent has provided all which was in his control and cannot be expected to provide something which does not exist or which is not held by him or is not under his control.
6. The appeal is disposed of accordingly.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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