

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

7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market,  
Connaught Circle, New Delhi- 110 001

**Dated: 04<sup>th</sup> October, 2024**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in RTI Appeal  
Registration No. ISBBI/A/E/24/00032**

**IN THE MATTER OF**

**Promod Kumar Kohli**

... Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India  
7th Floor, Mayur Bhawan, Shankar Market,  
Connaught Circle, New Delhi - 110 001.

... Respondent

- 
1. The Appellant has filed the present Appeal dated 27<sup>th</sup> August 2024, challenging the communication of the Respondent dated 23<sup>rd</sup> August 2024 in his RTI application no. ISBBI/R/E/24/00138. As this Appeal required detailed examination of provisions of RTI Act, same is disposed within 45 days instead of 30 days.
  2. The query raised in the RTI Application filed under the Right to Information Act (RTI Act) is as follows –

*“Relates to Insolvency and Bankruptcy Board of India Information being sought relates to the latest status of my claim with IRP of Nayati Healthcare & Research Pvt Ltd for the period from 01.01.2024 onward till date for reference, pl see the attached file) I am a senior citizen & a senior medical professional. My salary for more than 15 months of my employment with Nayati Healthcare & Research Pvt Ltd has been outstanding since mid-December 2019. Moreover, the employer had deducted TDS from my salary but had not deposited the same with the concerned Income Tax authority. The delinquent company has gone in for Insolvency proceedings. I had filed a claim (with interest) on my outstanding amounts on 06.01.2024 with the designated IRP. My claim was duly admitted for Rs. 1,07,95,848 and on 15.02.2024, I received an email to this effect from IRP (Copy attached page nos. 1 to 2). Subsequently, I had received a query from the IRP vide email dated 22.05.2024 regarding counterclaim filed by the corporate debtor against me, if any and whether or not the contractual terms provided for the payment of interest in case of delay. I had responded to this by email on the same day (Copy attached page nos. 3 to 7). I have been trying to find out the status of my claim from the official website of IBBI as well as through emails dated 04.07.2024 and 13.07.2024 but failed to get any response. Hence, this application. Please provide me the following information up to date and point wise 1. Uptodate / present status of the resolution arrived at in r/o my aforesaid claim with all details and relevant documents 2. Category in which my claim is being / has been processed 3. Category in which my claim has been approved 4. Amount approved in r/o my aforesaid claim 5. Deductions, if any done and the reasons for the same 6. Complete copy of the relevant file(s) / all relevant documents (notings & correspondence both) wherein my aforesaid claim has been / is being processed 7. Any timeline (as per norms/guidelines) for*

*disbursal of claim amount 8. All other information related to my claim Additional fee, if any, for providing the sought documents may be sought only through this RTI Online Portal itself through the in-built facility provided in the Portal”*

3. The Respondent has stated that “As per the information available with the Board, the corporate insolvency resolution process (CIRP) of the Nayati Healthcare & Research Pvt Ltd is ongoing. The list of claimants’ including the category of claimants’, as on 05.03.2024, uploaded by the Insolvency professional on the website of the Board may be accessed through the following link: <https://ibbi.gov.in/en/claims/front-claim-details/16404>. The claims filed by any stakeholder in the CIRP of the corporate debtor (CD) shall be settled “in terms of the approved resolution plan of the CD or as per section 53 of the Insolvency and Bankruptcy Code, 2016, as the case may be.”
4. Aggrieved by the same, the Appellant has filed the present appeal stating the following –  
“First Appeal against the reply dt 23.08.2024 by the CPIO in r/o my application no. ISBBI/R/E/24/00138 dated 14.07.2024

*Sir,*

*I am not satisfied with the belated reply dt. 23.08.2024 by the CPIO as the same is neither point wise nor complete. Your kind attention is invited towards the following provisions of the RTI Act 2005.*

*Section 2(f) wherein emails are defined a part of information*

*Section 2(i) wherein any material produced by a computer has been defined a part of record*

*Section 2(j)(ii) wherein the citizens have been given a right to obtain information duly certified*

*Section 2(j)(iv) wherein the citizens have been given a right to obtain information stored in a computer or in any other device*

*Section 4(3) - that a Public Authority shall disseminate the information in such form and manner which is easily accessible to the public*

*Section 4(4) - that documents be provided considering cost effectiveness and easily accessible to the extent possible in electronic format as the case may be, available free or at such cost of medium as may be prescribed*

*Section 7(9) - that information SHALL ORDINARILY BE PROVIDED IN THE FORM IN WHICH IT IS SOUGHT*

*Section 8(j) - that information which cannot be denied to the Parliament or a State legislature shall not be denied to any person*

*You are, therefore, requested to kindly direct the CPIO to provide me complete information POINT WISE as had been sought by me. The pointwise grounds of my appeal are as under*

**Point no. 1** - No information provided. The website is updated till 05.03.2024 whereas in my RTI application under appeal, I had sought information by providing me the upto date / present status of there solution arrived at in r/o my aforesaid claim with all details and relevant documents. There must have been some movement in the 5-6 months beyond 05.03.2024.

*Point no. 2 - Available on the IBBI website*

*Point no. 3 - Available on the IBBI website*

*Point no. 4 - Available on the IBBI website*

*Point no. 5 - Available on the IBBI website*

**Point no. 6** - No information provided. I had sought information by providing me complete copy(s) of the relevant file(s) / all relevant documents (notings & correspondence both) wherein my aforesaid claim has been / is being processed.

**Point no. 7** - No information provided. I had sought information regarding the timeline (as per norms/guidelines) for disbursement of claim amount. This must be available in the terms of the approval resolution plan of the Corporate Debtor (CD) or some other related documents/files relating to the case

**Point no. 8** - No information provided. I had sought information regarding all other information relating to this case and my claim.

Kindly direct the CPIO to provide the sought information POINT WISE, COMPLETE IN ALL RESPECTS, DULY CERTIFIED and in the FORM IN WHICH IT HAS BEEN SOUGHT by me & IS AVAILABLE with ISBBI as required under RTI Act/ Rules/ Guidelines issued by DoPT from time to time."

5. 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.
6. The aforesaid definition contemplates providing of material in the forms of records, documents, opinions, advice, etc. It does not include giving opinions on issues raised or providing clarifications or advice to inquiries. 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 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. It is thus, clear that the "*right to information*" under section 3 of the RTI Act is circumscribed by RTI Act itself as the right is limited within scope of '*information*' as defined under section 2(f) and is subject to other provisions including those under section 8 of the Act.
7. I note that the Appellant is aggrieved by the response given by the Respondent on Point 1, 6, 7 and 8. For other points, he is satisfied that the information is available on the website at the link provided by the Respondent. With regard to point 1, the Appellant has claimed that the Respondent has provided information as on 05.03.2024, whereas the RTI was filed much later and therefore, updated information has not been provided. The Respondent is expected to provide information as available on record and not create any information or update the information himself and provide the same to the Appellant. The information as available with CPIO and as available on record, has been provided to the Appellant. The Respondent cannot provide any other information. Same is beyond the scope of '*right to information*' under section 2(j) of the RTI Act which limits the information to one '*accessible*' under the RTI Act and '*which is held by or under the*

*control of any public authority*'. Any grievance regarding the information, cannot be resolved under the RTI Act.

8. With regard to point 6, it is important to note that the claims are not processed by IBBI, rather the same are processed by the Insolvency Professional involved in the Corporate Insolvency Resolution Process (CIRP). Therefore, the relevant file(s) / all relevant documents (notings & correspondence both) wherein claim has been / is being processed cannot be provided by the IBBI. The Respondent can only provide the information as is available on records and in control of IBBI.
9. With regard to point 7, the Appellant wants the timelines regarding claims in a CIRP. It is noted that the Insolvency and Bankruptcy Code, 2016 read with IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 provides for timelines for different aspect of the CIRP including claims. The Appellant can always go through these publicly available documents to understand the timelines under the IBC. The Respondent cannot be expected to go answer such queries of Appellant under the RTI Act.
10. With regard to point 8, the Appellant has requested for all other information available with the IBBI on the claim. The Respondent has provided information as available on record which is also displayed on the IBBI website. Accordingly, the Respondent cannot be expected to provide any further information.
11. 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/**  
**(Jithesh John)**  
First Appellate Authority

**Copy to:**

1. Appellant, Promod Kumar Kohli.
2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circle, New Delhi- 110 001.