

**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: 22<sup>nd</sup> May, 2024**

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

**RTI Appeal Registration Number - ISBBI/A/E/24/00010**

**IN THE MATTER OF**

**Jagdish Jakhar**

... 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

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1. The Appellant has filed present Appeal dated 30<sup>th</sup> April 2024, challenging the communication of the Respondent dated 23<sup>rd</sup> April 2024 with regard to his RTI Application No. ISBBI/R/E/24/00049 dated 20<sup>th</sup> March 2024 filed under the Right to Information Act, 2005 (RTI Act). The information sought in the Application is as follows:  
*“Please answer the following queries:*
    1. *Whether the employees of IBBI are provided with the facility / allowance / benefit of Leave Fare Concession (LFC) / or a similar benefit (by whatever name called) ?*
    2. *If answer to the Query 1 is affirmative, then please provide detailed guidelines / policy / document (by whatever name called) framed along with monetary limit for facility / allowance / benefit of Leave Fare Concession (LFC) / or a similar benefit (by whatever name called).”*
  2. The Respondent had answered the first query as Yes. On second query, Respondent has stated that IBBI follows IRDAIs master circular on LTC no. IRDAI/HR/MISC/CIR/212/09/2017 dated 13<sup>th</sup> September 2017.
  3. In this Appeal, the Appellant has stated that his RTI Application that –  
*“The information called for in query no 2 (of original RTI application) is not provided but only a reference of the circular is given. This is not complete information and thus misleading. Please provide following information:*
    1. *The referred circular IRDAI/HR/MISC/CIR/212/09/2017 dated 13.09.2017 is not a public document and hence not available. Please provide the copy of the same.*
    2. *Please provide the guidelines/policy/document (by whatever name called) framed by IBBI on the basis of circular no IRDAI/HR/MISC/CIR/212/09/2017 dated 13.09.2017 for the facility/allowance/benefit (by whatever name called) of Leave Fare Concession (LFC) / a similar benefit (by whatever name called), along with all the amendments/modifications made till now.”*
  4. I have carefully examined the RTI Application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record.

Before examining the request, I deem it appropriate to deal with scope of information and right to receive the information under the RTI Act. It is noted that 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.*” 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 inquisitions. 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 and exceptions provided in other sections of the RTI Act.

5. I find that the information request of the Appellant in his RTI Application are eligible for information disclosure as they qualify within the scope of ‘*information*’ section 2(f) and are held and under control of the public authority i.e. IBBI within the ambit of section 2 (j) of the RTI Act and that they do not qualify under any of the exemptions under section 8 the RTI Act or exceptions available in other provisions such as section 7(9), 9, 10 and 11 etc. The Respondent has also not withheld any information on any of these grounds.
6. Having held as above, I note that with regard to first request of the Appellant, the Respondent has informed him that IBBI follows IRDA’s LFC rules, however a copy of the said circular has not been provided. Being aggrieved by this, the Appellant has submitted that he wants the copy of the IRDA circular as the same is not placed in public domain. The document asked by Appellant pertains to a third party i.e. IRDA. If the Appellant wants the copy of IRDA circular, he can approach IRDA seeking a copy of the said circular and same can be dealt by IRDA as per RTI Act. However, IBBI’s document on its policy on LTC can be provided to the Appellant.
7. In view of above, the Respondent is directed to provide the aforesaid information as available on record within 10 days of this Order. The Appeal is, accordingly, disposed of.

Sd/  
**(Jithesh John)**  
First Appellate Authority

**Copy to:**

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