

**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:** 28<sup>th</sup> July, 2020

**IN THE MATTER OF**

**Mr. Satyen 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. This appeal preferred *vide* e-mail dated 29<sup>th</sup> June 2020 from the appellant is borne out of the application under Right to Information (**RTI**) Registration No. ISBBI/R/P/20/00019. The information sought by the appellant under section 6 of the Right to Information Act, 2005 (**Act**) and the reply given by the respondent are as under:

<i>Sl. No.</i>	<i>Information Sought</i>	<i>Reply by CPIO</i>
1.	<i>The RP has appointed 6 number of values under Regulation 27 for valuation of assets. We want to have the copies of the appointment letter for them.</i>	<i>The information sought is not available.</i>
2.	<i>The RP has appointed three type of Auditors for carrying out different activities, under various provisions of law. We want to have the copies of the appointment letter for them.</i>	
3.	<i>The RP will going to appoint the Project Management Consultant for having the estimate for completing the project. We would like to have appointment letter once process is over.</i>	

2. The appellant requested the above information in the context of Corporate Insolvency Resolution Process (**CIRP**) of the corporate debtor M/s Dream Procon (P) Ltd. (**CD**). The appellant has submitted that the Resolution Professional (**RP**) of the CD in the CIRP has appointed certain Valuers, Auditors and Project Management Consultant in relation to CIRP of the CD. The appellant in support of his request has submitted that the Insolvency and Bankruptcy Board of India (**Board**) closely monitors CIRP of CDs and also that the RP has to submit certain forms.
3. On the contrary, the respondent has submitted that the issue relating to information pertaining to forms was not part of the original RTI request, and, hence, the same should not be considered

in the appeal stage. In this regard, this FAA noted that the appellant had not requested information relating to forms in his original RTI request. Allowing such a request at the appellate stage would result in expanding the scope of RTI application which is impermissible. The Hon'ble CIC in its order in the matter of *Shri Harish Prasad Divedi Vs. Bharat Petroleum Corporation Ltd. in Case No. CIC/LS/A/2013/001477SS* observed:

*“7. Having heard the submissions and perused the records, the Commission agrees with the Respondents that the information now sought by the Appellant in the present appeal did not form part of his original RTI application. Therefore, the Commission is not in a position to allow the disclosure of the information which had not even been sought by the appellant in his RTI application. An information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. No disclosure can, therefore, be directed to be made in the present appeal of the Appellant.”* In the light of the above, this issue is held against the appellant.

4. With respect to the appointment of Valuers, Auditors and Project Management Consultant, the respondent has submitted that the said information was not available. The respondent has contended that the CPIO could only disclose the available information and that a CPIO is not expected to create new records other than that are available on record. For this purpose, this FAA relied upon the following observations of the Hon'ble CIC in the matter of *Sh. Alok Shukla Vs. CPIO, SEBI (File No. CIC/SM/A/2012/001838, Order dated May 23, 2013)*:

*“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 Appellant.”* Accordingly, the said information could not have been disclosed by the respondent as the same was not available with him. Hence, the contention of the appellant holds no merits.

5. The appeal is disposed of as per the foregoing.

(Sd/-)

**(K. R. Saji Kumar)**

Executive Director and First Appellate Authority

**Copy to:**

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