

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

2<sup>nd</sup> Floor, Jeevan Vihar Building  
Sansad Marg  
New Delhi- 110001.

Dated: 30<sup>th</sup> March, 2020.

IN THE MATTER OF

Mr. Ishrat Ali

..... Appellant

Vs.

Central Public Information Officer  
Insolvency and Bankruptcy Board of India  
7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market  
New Delhi – 110001.

..... Respondent

**ORDER**

1. This is an appeal against Right to Information (RTI) Registration No. ISBBI/R/P/20/00006, reply to which has been given *vide* Letter No. IBBI/BS/RTI/RTI APP/246/3285 dated 18<sup>th</sup> February 2020. In the RTI application, the information sought by the appellant under section 6 of the Right to Information Act, 2005 and the reply given by the respondent are as under:

Sl. No.	Information Sought	Response of Respondent
(1)	<i>“Kindly provide me a copy of the Certified copy of the order dated 23.09.2019 which was available on 27.09.2019 as claimed in the Form A published on the official website of the IBBI</i>	<i>Copy of the order dated 23.09.2019 and subsequent order dated 30.09.2019 of the Adjudicating Authority are available on the official website of the IBBI at <a href="http://www.ibbi.gov.in">www.ibbi.gov.in</a> under ‘Orders’.</i>
(2)	<i>Kindly provide me the information as regards verification process of correctness of the information to be displayed on the official website of the IBBI in respect of</i>	<i>The Insolvency Professional is required to publish the Form A in one English and one regional language newspaper in accordance with Regulation 6(2)(b)(i) of IBBI</i>

	<i>Form-A, since for Publication on its official website, IBBI is responsible</i>	<i>(Insolvency Resolution Process for Corporate Persons) Regulations, 2016. The said Form A is published on the website of the Board, based on the requests received from the respective Insolvency Professional.</i>
(3)	<i>Kindly provide me information as regards verification, if any, done towards correctness of the information published on the official website of the IBBI in the form of the said FORM-A</i>	<i>Same as (2) above.</i>

**Request No. (1)**

2. The appellant submits that the certified copy of the order as requested for in the RTI application has not been provided to him. He goes on to allege that the order uploaded on the website of the Insolvency and Bankruptcy Board of India (IBBI) is not certified and thus, the same is a forged order which has been fraudulently planted and he has complained to the authorities regarding the same.
  
3. On examination of the order uploaded on the website of the IBBI, which is available on this link<sup>1</sup>, it seen that the order is not a certified copy. The respondent has submitted that a scanned copy of the certified copy of the order has been emailed to the IBBI by the insolvency professional appointed in the matter. The IBBI obtains orders of the Tribunals and Courts from various sources including the insolvency professionals who have direct access to the orders. The IBBI makes use of such orders to upload on its website for information of the stakeholders. There is no system of dedicated sourcing of certified copies of orders from each Tribunal and Court by the IBBI and is also impractical. However, it has been observed that the Tribunals and Courts provide orders in portable document format (PDF) or other un-editable format(s) to obviate any manipulation. In any case, the respondent cannot certify that a particular order passed by a Tribunal or Court. The best method available for the appellant is to obtain it from the Tribunal or Court concerned and no order is necessary as against Request No. 1.

**Request (2) & (3)**

4. The appellant has argued that to his request regarding the verification process undertaken by the IBBI before publication of Form A on its portal, a satisfactory reply was not given

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<sup>1</sup> <https://ibbi.gov.in/uploads/order/d9bb3fdeb498a32937db5073e1537273.pdf>

by the respondent. He had also sought information regarding the verification done by the IBBI before uploading the Form A in question on the website of the IBBI. He feels that no verification was done by the IBBI before publishing the Form A in question and that false information was published on the website of the IBBI.

5. The respondent has submitted that as per Regulation 6(2)(b)(iii) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, the insolvency professional appointed as the interim resolution professional (IRP) is duty bound to publish Form A on the portal of the IBBI for prospective claimants to file their claims before the IRP. In compliance of this provision, the insolvency professional appointed by the Adjudicating Authority, which is a quasi-judicial authority, sends the requisite information in Form A along with the supporting documents. Thereafter, the contents of Form A are matched with the supporting documents, and once all the information is found in order, the verified Form A is uploaded on the website of the IBBI. This process is done in all cases including in the instant matter, therefore the contention of the appellant that the contents of Form A in question were not verified, has no merit.
6. In light of the aforesaid, the appeal is disposed of.

(Sd/-)

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

Executive Director and First Appellate Authority

Copy to

1. Appellant, Mr. Ishrat Ali.
2. CPIO, Insolvency and Bankruptcy Board of India  
7<sup>th</sup> Floor, Mayur Bhawan, New Delhi.