

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

Dated: 15th February, 2023

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/23/00004**

IN THE MATTER OF

Mohit Rasiklal Mehta

... Appellant

Vs.

Central Public Information Officer

... Respondent

The Appellant has filed the present Appeal dated 20th January 2023, challenging the communication of the Respondent dated 20th December 2022 whereby the Respondent denied the request of the Appellant stating that “*Information sought is not available with IBBI.*”

2. In his RTI Application No. ISBBI/R/T/22/00023 dated 5th December 2022, the Appellant had made requested as the following –

“Seeking information regarding percentage of performance security payable by the valuer registered with the Insolvency and Bankruptcy Board of India (IBBI) under Section 247 of Company Act 2013 Read with Companies (Registered Valuer and Valuation) Rules, 2017 in case appointment by any authority for valuation for example VISAKHAPATNAM PORT TRUST or Any other Port Authority.”

3. The Appellant, in his Appeal has *inter-alia* stated that:-

“..... information regarding performance security amount decided by IBBI is requested. In case there is no such performance security decided by IBBI/MCA which registered valuer needs to provide to client. CPIO may respond that there is nil percentage of performance security amount payable by valuer.....”

4. I have carefully considered the application, the response of the Respondent and the submissions made in the Appeal. 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 the RTI Act. Thus, 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 7(9) of the Act. Accordingly, the Respondent is expected to provide information as available on record.
5. As the information regarding performance security by valuers is not available with IBBI, no fault can be found with the decision of Respondent. The CPIO cannot be expected to create and provide any other information which could be assumed or imagined by the information seeker. The Hon’ble CIC in *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances &*

Pension, Department of Personnel & Training, North Block, New Delhi -110001, File No: CIC/MPERS/A/2017/158527/SD (Decision dated 06.05.2019), has observed that:

“Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarify/deduct information in respect of queries/clarifications. Similarly, redressal of grievance, non-compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act.”

6. I further observe that in this appeal, the Appellant has not specified the exact information requirement. The Appeal is unclear and vague. In the matter of *Sbri Harmit Singh Vs. Central Excise Department, Chandigarh* (Order dated November 07, 2008) the Hon’ble CIC *inter alia* held that the respondents therein were right in rejecting the request as it is quite unclear and vague and no specific information can be identified on the basis of the signals contained in the query.
7. Accordingly, I do not find any reason to interfere with the decision of the Respondent.
8. The appeal is disposed of accordingly.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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