

**WHOLE TIME MEMBER AND FIRST APPELLATE AUTHORITY  
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

7<sup>TH</sup> FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 8<sup>th</sup> OF MARCH 2019

Appeal No. ISBBI/A/2019/60003 (F. No. Board – 12011/13/2019 - IBBI)

Arising out of Order dated February 25, 2019 under RTI Request No. ISBBI/R/2019/50009

IN THE MATTER OF

Ms. Rishika A. Jain

..... Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7<sup>th</sup> Floor, Mayur Bhawan

New Delhi

..... Respondent

**ORDER**

1. The present Appeal No. ISBBI/A/2019/60003 dated March 1, 2019 received in the office of the First Appellate Authority (**FAA**), Insolvency and Bankruptcy Board of India under the Right to Information Act, 2005 has been preferred by Ms. Rishika A. Jain against the order of the CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to her RTI Request No. ISBBI/R/2019/50009.
2. On a detailed perusal of the RTI Application of Ms. Rishika A. Jain, it is observed that the appellant sought information pertaining to her complaint in the matter of the details regarding the scam by Vijay Mallaya and the confiscation appropriation of his property by the Board.
3. The respondent, CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to the RTI Request No. ISBBI/R/2018/50009 of the appellant, have opined that:  
  
*‘The information sought is not available.’*
4. The appellant raised the present appeal on the ground that sought information was denied as being not available. Under the Act, any request for information cannot be denied as not being available.
5. The present RTI appeal has been examined and I have perused the information by the respondent in respect of the query raised in the RTI Application.
6. In this regard the Hon’ble Supreme Court of India in *Thalappalam Ser. Coop. Bank Ltd. & Ors, v. State of Kerala & Ors. (Civil Appeal No. 9017 of 2013)*, while interpreting the term “information” enshrined in Section 2(f) of the RTI Act, 2005 has observed that “...citizens have a right to get information, but can have access only to the information “held” and under the “control of public authorities”, with limitations. If the information is not statutorily accessible by

*a public authority, as defined in Section 2(h) of the Act, evidently, that information will not be under the “control of the public authority”.*

7. Also, The Hon’ble CIC in the matter of *Sh. Alok Shukla vs. CPIO, SEBI (File No. CIC/SM/A/2012/001838)*, held: *“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.”.*

8. In view of the above, it is observed that-

“The information is not ‘held’ by it. Hence not available”.

Accordingly, the appeal is disposed of. However, the CPIO is directed to forward the RTI application received from Ms. Rishika A. Jain to the respective authority / authorities who may have such information with them.

**Sd/-**

**(Dr. Navrang Saini)**

Whole Time Member and First Appellate Authority

Copy to

1. Ms. Rishika A. Jain
2. CPIO, Insolvency and Bankruptcy Board of India  
7<sup>th</sup> Floor, Mayur Bhawan  
New Delhi