

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

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 10th August, 2023

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/23/00028**

IN THE MATTER OF

Mehul Bansal

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

2nd Floor, Jeevan Vihar Building

Sansad Marg, New Delhi - 110 001.

... Respondent

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1. The Appellant has filed the present Appeal dated 12th July 2023, challenging the communication of the Respondent dated 23rd June 2023 in respect of his RTI application no. ISBBI/R/E/23/00072 filed under the Right to Information Act (RTI Act). I have carefully examined the application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record.
 2. It is noted that in his RTI application, the Appellant had *inter-alia* requested for the following –
 - “(a) Provide "Maximum Eligibility Amount" (in Rs.) of all monetary and non-monetary components (perks and benefits) paid or payable as part of Employee Compensation, by whatever name called, to each grade of employees at IBBI, for the following years:
 - i. 2019-20
 - ii. 2020-21
 - iii. 2021-22
 - iv. 2022-23
 - v. 2023-24
 - (b) Please provide the methodology for implementation of all monetary and non-monetary components (perks and benefits) paid or payable as part of Employee Compensation, by whatever name called, to each grade of employees at IBBI
 - (c) Please provide the booklet- Perks and Benefits for the Employees of IBBI, as updated from time to time, for the following years:
 - i. 2019-20
 - ii. 2020-21
 - iii. 2021-22
 - iv. 2022-23
 - v. 2023-24”
 3. The Respondent has provided the following reply –
 - (a) With regard to query 1 and 2, the Respondent has provided (i) the list of all pay / allowances which are extended to officers of IBBI, and (ii) the pay structure as available on the website of IBBI.
 - (b) With regard to query 3, the Respondent has stated that no such booklet is available.

4. Aggrieved by the same, the Appellant has submitted the following in the Appeal –
“I had asked for Maximum Eligibility Amount” (in Rs.) and methodology of implementation of all monetary and non-monetary components (perks and benefits) paid or payable as part of Employee Compensation, by whatever name called, to each grade of employees at IBBI
However only the name of the perks and allowances have been mentioned no details regarding grade wise monetary amount and methodology for implementation is provided.
How does the organization, sanction payment to its employees without any relevant documentation. This is misleading and suppression of facts against the intent of RTI Act 2005.”
5. I have carefully examined the application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record. 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.”* It is pertinent to mention here that the Appellant’s *“right to information”* flows from section 3 of the RTI Act and the said right is subject to the provisions of the Act. While the *“right to information”* flows from section 3 of the RTI Act, it is subject to other provisions of the Act. 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. 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.
6. With regard to first request of the Appellant, the Respondent has provided the name of allowances and perks as admissible to the employees of IBBI. Being aggrieved by this, the Appellant has submitted that he wants to know the Maximum Eligibility Amount admissible to an employee at all levels (as was asked in the RTI application). The Respondent has not provided the same, nor has he claimed any exemption or has informed that the same is not part of the records. This is denial of information. Accordingly, I refer the matter back to the Respondent on this point for reconsideration to decide as per applicable law.
7. With regard to second request of the Appellant, the Respondent has provided the pay scale as admissible to the employees of IBBI. Being aggrieved by this, the Appellant has submitted that he wants to know the methodology for implementation of all monetary and non-monetary components (perks and benefits) paid or payable as part of Employee Compensation, to an employee at all levels. It is noted that the Respondent has provided the pay scales and the admissibility of the perks and allowances are as per the Grade of the employee. Same should suffice to know the eligibility of the person. Accordingly, I am of the view that the Respondent has provided the available information.
8. In view of the above observations, the Respondent is directed to reconsider the matter as provided in para 6, within 10 days of the date of this order. Accordingly, the Appeal is disposed of.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

1. Appellant, Mehul Bansal.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.