

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

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 1ST OF AUGUST, 2018

Appeal Ref. No. SPS/GP/FAA & WTM-IBBI/2018-19 (F. No. IBBI/AL/RTI/113/Gaurav Punj)

Dated: June 15, 2018

Arising out of Order dated May 30, 2018 under RTI Request No.
ISBBI/R/2018/00010

IN THE MATTER OF

Shri Gaurav Punj Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan

New Delhi Respondent

ORDER

1. The present Appeal Ref. No. SPS/GP/FAA & WTM-IBBI/2018-19 dated June 15, 2018 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 Shri Gaurav Punj against the order of the CPIO, Ms. Anita Kulshrestha, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/00010.
2. On a detailed perusal of the RTI Application of Shri Gaurav Punj, it is observed that the appellant sought certain information from the Insolvency and Bankruptcy Board of India regarding the complaint filed by him bearing Registration No. IBBI/IP/GCHP/12042018/04 dated 9th April, 2018 and subsequent process and action on the said complaint thereto.
3. The appellant in the present appeal has averred that above mentioned RTI was answered stating the information is not available and with evasive replies. He raised the following queries: -

- (i) *“The date of receipt of my complaint bearing registration No. IBBI/IP/GCHP/12042018/04 dated 9th April, 2018 sent to IBBI.*
- (ii) *The copies of the letters/ submissions made..... on my complaint.*
- (iii) *The date of forming a disciplinary Committee in the above matter.*
- (iv) *The name, designation and address of the Disciplinary Committee Members.*
- (v) *The date when the matter was referred to the Disciplinary Committee.*
- (vi) *Copy of the interim order, if any, passed by the said Disciplinary Committee.*
- (vii) *Copy of the issues framed by Disciplinary Committee.*
- (viii) *Copy of the comments, if any, received by the Disciplinary Committee from the accused.....*
- (ix) *The number of Disciplinary Committee held from the date of its constitution and copies of the minutes with dates of call of meeting.*
- (x) *The reasons for not forming any Disciplinary Committee, if not formed till date.”*

4. The present RTI appeal has been examined and I have perused the response provided by the respondent in respect of the queries raised in the RTI application. In this context, I find that:

- (i) information in respect of the specific query in para 3 in point (i) above has wrongly been provided, apparently as a typographical error.
- (ii) the appellant’s query in para 3 in point (ii) above pertains to the said complaint which is under examination and the disclosure of the same is exempted as per clause (g) and (h) of sub-section (1) of section 8 of the RTI Act, 2005 read with the Right to Information Rules, 2012.
- (iii) the information pertaining to appellant’s query in para 3 in point (iii) and (iv) above is already placed on the website- ‘www.ibbi.gov.in’/ public domain accessible to all. Once the information is available in the public domain, it cannot be said to be ‘held’ or ‘under the control of’ the public authority and thus ceases to be an information accessible under the RTI Act, as held by the Hon’ble CIC in matter Shri K. Lall Vs. Shri M.K. Bagri (CIC/AT/A/2007/00112, Order dated April 12, 2007) wherein it held: “... once an information is voluntarily disseminated it is excluded from the purview of the RTI Act and, to that extent, contributes to minimizing the resort to the use of this Act...” .

(iv) the information pertaining to appellant's query in para 3 in points (v), (vi), (vii), (viii), (ix) and (x) is answered by the respondent and do not warrant any interference. 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.

5. The information in respect of the specific query in para 3 in point (i) above has wrongly been provided, apparently as a typographical error. Therefore, I direct the respondent to provide the information sought by the appellant in queries (i) of the appeal within 20 working days from the date of receipt of this order.

Accordingly, the appeal is disposed of.

Sd/-

(Mukulita Vijayawargiya)

Whole Time Member and First Appellate Authority

Copy to

1. Shri Gaurav Punj
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