

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

2<sup>nd</sup> Floor, Jeevan Vihar Building  
Sansad Marg, New Delhi- 110 001

**Dated: 14<sup>th</sup> November, 2023**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI  
Appeal Registration No. ISBBI/A/E/23/00034**

**IN THE MATTER OF**

**Shiv Kumar**

... Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India  
2<sup>nd</sup> Floor, Jeevan Vihar Building  
Sansad Marg, New Delhi - 110 001.

... Respondent

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1. The Appellant has filed the present Appeal dated 16<sup>th</sup> October 2023, challenging the communication of the Respondent dated 13<sup>th</sup> October 2023 in his RTI application no. ISBBI/R/E/23/00148 filed under the Right to Information Act (RTI Act). In his RTI application, the Appellant has requested for the following -  
“Dear Sir,  
The valuer registered with IBBI as a valuer for Real Estate and accused in CBI case since 2013 can continue as a valuer with IBBI. The valuer has intentionally suppressed the facts regarding CBI case at the time of registration. Please clarify whether he can continue as a valuer with IBBI or not.  
Thanks Shiv”
  2. The Respondent rejected the request stating that the Appellant is seeking information which does not qualify as ‘information’ under section 2(f) of the RTI Act.
  3. Aggrieved by the same, the Appellant has stated the following in the Appeal –  
“Dear Sir,  
with reference to your RTI reply dated on 13.10.2023. My query is now specific and reads as under:-  
1. Mr. Shree Gopal Mundra, Valuer, 3018, world Trade Centre, Ring Road, Surat - 395002 registered with IBBI as a registered valuer vide registration no. IBBI/RV/07/2019/10694 dated 29th January, 2019 registered with PVAI Valuation Professional Organization (RVO) ASSET CLAS LAND AND BUILDING is accused in CBI Special Case No. 18/2013 and accused no. 9 as per the charge under sections 120-B, 420, 467, 468, and 471 of the Indian Penal Code, as well as sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, with an FIR registered before the CBI, ACB Gandhinagar, Gujrat on 13-09-2012, bearing RC no. 0292012A0015.  
2. The case is in progress and Mr. Mundra is accused of issuing inflated valuation report to State Bank of Mysore, Surat.  
3. Mr. Shree Gopal Mundra Suppressed the fact regarding CBI case/ charge sheet while applying for registration as a valuer with IBBI.  
4. Now what action IBBI will take and we request you to send us the detailed reply along with action taken by you.”
  4. It is gainsaying 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. 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.” 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. Section 8 provides for

exemption from disclosure of information held by or under control of the 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.

5. It is noted that the Respondent wants to know answer to the query as to whether accused of CBI can continue as valuer or not? Also, in appeal, he has stated that he wants to know the action that IBBI will take and needs a detailed reply regarding the same. In my opinion, the Respondent cannot be compelled to deal with queries and provide answers to such questions and same is outside the scope of the RTI Act. This view finds support from the Guide on the RTI Act issued by the DoPT under OM No. 1/32/2013-IR dated 28<sup>th</sup> November 2013 –  
*“The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to furnish information which require drawing of inference and/ or making of assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.”*
6. Also, as held by Hon’ble Supreme Court of India in its judgment dated August 9, 2011, in the matter of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors., *inter alia*, that: *“A public authority is also not required to furnish information which require drawing of inferences and/ or making of assumptions. It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority...”*
7. Further, 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 also 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.”*
8. In view of the above, I do not find any reason to issue any direction to the Respondent as asked for in this Appeal. Accordingly, the Appeal is disposed of.

Sd/  
(Santosh Kumar Shukla)  
First Appellate Authority

**Copy to:**

1. Appellant, Shiv Kumar.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2<sup>nd</sup> Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.