

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

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 29th OF MARCH 2019

Appeal No. ISBBI/A/2019/60004 (F. No. Board – 12011/21/2019 - IBBI)

Arising out of order dated March 14, 2019 under RTI Registration No. ISBBI/R/2019/50014

IN THE MATTER OF

Mr. Manoj Kumar

..... Appellant

V/s

CPIO, Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan

New Delhi

..... Respondent

ORDER

1. The present Appeal No. ISBBI/A/2019/60004 dated 15th March, 2019, received by the office of the First Appellant Authority (**FAA**), Insolvency and Bankruptcy Board of India, New Delhi (**Board**) under the Right to Information Act, 2005 has been preferred by Mr. Manoj Kumar against the order of the CPIO, Dr. Anuradha Guru of the Board with respect to his RTI request, bearing Registration No. ISBBI/R/2019/50014.
2. After detailed perusal of the RTI application of Mr. Manoj Kumar to the Board, it is observed that the appellant asked for the present status of M/s SRS Real Infrastructure Ltd. (CIN – L65910HR1990PLC040431).
3. The Respondent, CPIO, Dr. Anuradha Guru of the Board in reply to the RTI request of the appellant, bearing Registration No. ISBBI/R/2019/50014, opined that:

“Corporate Insolvency Resolution Process, under the Insolvency & Bankruptcy Code, 2016, has been initiated against Corporate Debtor, SRS Real Infrastructure Limited vide order dated 21st January, 2019 passed by Hon’ble NCLT, Chandigarh Bench. Mr. Sandeep Chandna has been appointed as the Insolvency Resolution Professional (IRP).

The Form A published by the IRP in this regard, as displayed on the website of IBBI, is enclosed.”

4. The appellant has preferred this appeal against the above stated order of the CPIO, Dr. Anuradha Guru of the Board and has stated that the IRP, Mr. Sandeep Chandna has informed the appellant that the Corporate Insolvency Resolution Process (**CIRP**) initiated against the Corporate Debtor, M/s SRS Real Infrastructure Ltd. has been closed long time back. The appellant has sought the advice of the Board in the matter as the appointed IRP is not interacting with him anymore.
5. The present RTI appeal has been examined and I have perused the information in respect of the queries raised in the RTI application.
6. Section 2(f) of the RTI Act, 2005 reads thus:
“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;
In the instant matter, the appellant has sought advice and not information as defined in the above stated provision, from the Board.
7. The Supreme Court of India in *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.* (Civil Appeal No. 6454 of 2011), has *inter alia* held: *“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.”*
8. In view of the above, the request of the appellant for advice from the Board cannot be accepted as per the provisions of the RTI Act, 2005. However a copy of the order dated 13th February, 2019 passed by the Hon’ble NCLT, Chandigarh in the matter of M/s SRS Real Infrastructure Ltd is enclosed herewith.
8. Accordingly, the appeal is disposed of.

Sd/-

(Dr. Navrang Saini)

Whole Time Member and First Appellate Authority

Copy to

1. Mr. Manoj Kumar
2. CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan , New Delhi

**NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

**CA No.84/2019
In
CP (IB) No.158/Chd/Hry/2018**

**Under Section 9 of the
Insolvency and Bankruptcy
Code, 2016.**

In the matter of:

**Mr. Dharmender Sharma, Proprietor
ADP Interiors and Contractors,**
1604/5, Street Railway Booking Agency,
Railway Road, Rohtak (Haryana) 124001

...Petitioner-Operational Creditor

Vs.

SRS Real Infrastructure Limited,
having its registered office at SRS Tower,
124-126, 1st Floor, 14/5, Mathura Road
(Near Mewla Maharajpur Metro Station)
Faridabad, Haryana

...Respondent-Corporate Debtor

And in the matter of:

Mr. Sandeep Chandna

....Interim Resolution Professional

Versus

1. Mr. Anil Jindal
2. Mr. Yogesh Kumar
3. Mr. Jogendra Kumar Arora
4. Ms. Vinita Mangla
5. Mr. Dheeraj Kumar
6. Mr. Pankaj Bansal

....Respondents

Order delivered on: 13.02.2019

**Coram: Hon'ble Mr. Justice R.P. Nagrath, Member(Judicial)
Hon'ble Mr. Pradeep R. Sethi, Member(Technical)**

For the Resolution Professional : Mr. Sandeep Chandna, in person

Per: R.P. Nagrath, Member (Judicial)

ORDER (Oral)

CP (IB) No.158/Chd/Hry/2018 under Section 9 of the Insolvency and Bankruptcy Code, 2016 (for short to be referred hereinafter as the 'Code') was admitted by this Tribunal on 10.01.2019. The moratorium was declared under Section 14(1) of the Code and Interim Resolution Professional was appointed by order dated 21.01.2019.

2. The instant application has been filed by Resolution Professional under Section 19(2) of the Code for directions to the respondents to provide requisite information to the Resolution Professional for discharging his duties as Interim Resolution Professional. The Resolution Professional has handed over the copy of order dated 12.02.2019 passed by Hon'ble National Company Law Appellate Tribunal in Company Appeal (AT) (Insolvency) No.94 & 95 of 2019 filed at the instance of shareholder of the corporate debtor against the order dated 10.01.2019 passed by this Tribunal on the basis of settlement reached between the parties stating that the amount has been received by the Operational Creditor. The applicants made a prayer for withdrawal of the application filed before this Tribunal.

3. In view of the settlement reached between the parties, accordingly, the order dated 10.01.2019 passed by this Tribunal admitting the

petition was set aside and CP (IB) No.158/Chd/Hry/2018 stood withdrawn and dismissed.

4. In view of the directions issued by the Hon'ble National Company Law Appellate Tribunal, the proceedings in the instant case therefore, stand closed and accordingly CA No.84 of 2019 also stands disposed of as rendered in-fructuous.

Sd/-
(Pradeep R. Sethi
Member (Technical)

Sd/-
(Justice R.P. Nagrath)
Member (Judicial)

Feb., 13, 2019
Anchal