

**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: 08th February, 2023

RTI Appeal Registration No. ISBBI/A/E/23/00003

IN THE MATTER OF

Rashmi Singhal

... 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

ORDER

1. The Appellant has filed the present Appeal dated 14th January 2023, challenging the communication of the Respondent dated 11th January 2023 with regard to her RTI Application No. ISBBI/R/E/22/00290 dated 28th December 2022 filed under the Right to Information Act, 2005 (RTI Act).
2. In the RTI Application, the Appellant has requested for the following, in the context of the Quarterly Newsletter of IBBI – July to September 2022 –
*“1. List of these Real estate companies (26%) where cases have been closed on appeal / review / settled / withdrawn specifying the reason of close.
2. List of these Real estate companies (13%) where cases have been closed on approval of the Resolution Plans.
3. Admitted claims, Liquidation Value, Fair Value and Total Realisable Value of the 13% Real Estate which closed on approval of the Resolution Plan.”*
3. The Respondent provided the following information –
*“1. List of 411 cases attached. Reasons for closure not available
2 & 3. List of 71 cases is attached with available information.”*
4. The Appellant, in her Appeal stated that:-
“... the reply is not satisfactory as the information's sought are not provided with any clarity. It seems that reply is sent in order to just dispose of the application by sharing a generic information though the information was sought specifically about Real Estate Sector....”
5. I have carefully examined the application, the response of the Respondent and the submissions made in the Appeal. Before examining the request, I deem it appropriate to deal with scope of ‘information’ and right to receive the information under the RTI Act. In terms of 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 and which can be

disclosed subject to exemptions under section 8 of the RTI Act. 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 the RTI Act. It is also clear that the "right to information" under section 3 of the RTI Act is circumscribed by RTI Act itself as the right is limited within scope of 'information' as defined under section 2(f) and is subject to other provisions including those under section 7(9) of the Act.

6. The Respondent is expected to provide information as available on record. As the information available on record has already been provided to the Appellant by the Respondent, no fault can be found with his decision. The CPIO cannot be expected to create and provide any other information which could be assumed or imagined by the information seeker. The 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 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. Similarly, redressal of grievance, non-compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act."

7. I further observe that in her appeal, the Appellant has not specified the exact information requirement. The Appeal is unclear and vague. In the matter of *Shri Harmit Singh Vs. Central Excise Department, Chandigarh* (Order dated November 07, 2008) the Hon'ble CIC *inter alia* held that the respondents therein were right in rejecting the request as it is quite unclear and vague and no specific information can be identified on the basis of the signals contained in the query.
8. Accordingly, I do not find any reason to interfere with the decision of the Respondent.
9. The appeal is disposed of accordingly.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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