

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गंगनाथ मार्ग
Baba Gangnath Marg
मुनिरका, नई दिल्ली – 110067
Munirka, New Delhi-110067

File No.:- CIC/MOCA/A/2020/687097

In the matter of:

Satyen Gupta

... Appellant

VS

Central Public Information Officer
Insolvency and Bankruptcy Board of India (IBBI)
2nd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi – 110 001

...Respondent

RTI application dated	:	03/07/2020
CPIO replied on	:	13/08/2020
First appeal filed on	:	13/08/2020
First Appellate Authority order	:	05/09/2020
Second Appeal filed on	:	26/09/2020
Date of Hearing	:	07/03/2022
Date of Decision	:	07/03/2022

The following were present:

Appellant: Not present

Respondent: Rajesh Kumar, General Manager & CPIO,

Information Sought:

According to the circular No. IBBI/CIRP/023/2019 dated 14/08/2019 issued by IBBI, every Resolution Professional has to submit form No. IP-1, CIRP-1,2,3,4 and 5 at different stages of Corporate Insolvency Resolution Process (CIRP). In regard to the same, the appellant has sought the following information:

- Provide copies of the above mentioned forms with attachment submitted by Mr. Nilesh Sharma (IBBI/IP-002/IP-N00104/2017-18/10232), who has been appointed as Resolution Professional for handling the CIRP work for Dream Procon Private Limited.

Grounds for filing Second Appeal:

The CPIO did not provide the desired information u/s 8(1)(d) of the RTI Act.

Submissions made by Appellant and Respondent during Hearing:

The appellant was not present to plead his case despite service of hearing notice on 15.02.2022 vide speed post acknowledgment No. ED038556138IN. However, in his second appeal he had stated that the exemption claimed by the CPIO is totally irrelevant and the FAA had also failed to substantiate the linkage between the information sought with the Trade Secrets and Intellectual Property Right of the company, specified under the section quoted by the CPIO.

The CPIO reiterated his earlier reply and also the contents of his detailed written submissions.

Observations:

From a perusal of the relevant case records, it is noted that even though the reply of the CPIO claiming exemption u/s 8(1)(d) of the RTI Act was incomplete as no justification was given by him, however, the First Appellate Authority has extensively explained as to why the information cannot be disclosed and how section 8(1)(d) was applicable. In the order, the FAA had clearly stated that these Forms seek from Insolvency Professionals, dealing with corporate insolvency resolution processes, commercial information/trade secrets such as terms of engagement, details of authorised representative, details of creditors, information about claims, details of valuers, details of applications filed before AA, expression of interest, evaluation matrix, details of resolution applicants, resolution plan, information about preferential, undervalued, fraudulent and preferential transactions. The said online platform hosted on the website of the IBBI at <https://www.ibbi.gov.in> is to facilitate filings by registered Insolvency Professionals for the purposes of monitoring corporate insolvency resolution processes. The Insolvency Professional is allowed to access the said platform with the help of a unique username and password provided by the IBBI, after affixing DSC or after e-signing. It was also mentioned that this being the nature of e-filing by Insolvency Professionals, what can be concluded is that the same involve trade secrets and disclosure of the same has every probability of impacting the competitive position of the corporate debtor, insolvency professional and other stakeholders and

compromising such competitive position. To substantiate this, the FAA also had relied on various orders passed by the Commission. It is also noted that the CPIO in his written submissions has given a detailed para wise reply on the grounds raised by the appellant in his second appeal memo. The Commission is unable to find any flaw in the submissions of the CPIO, hence, no further relief can be given. However, since a copy of the submissions has not been given to the appellant, the CPIO is directed to send a copy of the same to the appellant within three days of the receipt of this order.

Decision:

In view of the above, no further action is required in the matter.

The appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

Authenticated true copy

(अभिप्रमाणित सत्यापित प्रति)

A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

011- 26182594 /दिनांक / Date