

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

2nd Floor, Jeevan Vihar Building
Sansad Marg
New Delhi- 110001.
Dated: 8th June, 2020.

Appeal No. ISBBI/A/E/20/00010

IN THE MATTER OF

Mr. Mohit Rasiklal Mehta

..... Appellant

Vs.

Central Public Information Officer
Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, Shankar Market
New Delhi – 110001.

..... Respondent

ORDER

1. In the appeal before this First Appellate Authority (FAA) *vide* Right to Information (RTI) Registration No. ISBBI/R/E/20/00059, the information sought by the appellant under section 6 of the Right to Information Act, 2005 (Act) and the reply given by the respondent are as under:

Sl. No.	Information Sought	Response of Respondent
1)	<i>“Seeking list of Registered Valuer who are Whole time Director/Executive Directors in any body corporate (Any Pvt. Ltd./ Public Limited /Registered Valuer entity)</i>	<i>Information sought is not available.</i>
2)	<i>Seeking action taken report by IBBI against such Registered Valuer who are in employment (Whole Time Director / Executive Director / Director / Consultant) however given fake undertaken to IBBI.</i>	<i>Status of employment is verified during registration stage. Being in employments restricts an individual from seeking registration under the Rules. Accordingly insofar, no post registration punitive measure has been accorded to any individual registered as valuer under the Rules.</i>
3)	<i>Seeking copy of periodical reports and audit conducted in RVO regarding various Registered Valuer member of RVO who are</i>	<i>Information sought is not available.”</i>

	<i>in employment being whole time Director / Executive Direct / Director.</i>	
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2. The appellant submits that the respondent did not use IBBI's letterhead while replying to the appellant. He further submits that the reply to the RTI was not signed by the respondent and the particulars of the appellate authority was not indicated in the reply as is usually done. The respondent submits that the reply was uploaded on the RTI portal maintained by the Central Government. The portal can be accessed only by a user id and password which is in the possession of the respondent only. Therefore, the respondent submits that there is no question of any unauthorised reply being uploaded on the portal. The respondent further submits that the RTI was filed online and the portal itself shows the particulars of the appellate authority and in the instant case, the appellant had preferred this appeal in the portal. Moreover, the website of the IBBI has provided all the particulars including the address, contact number and email ids, of the respondent as well as the FAA. On examination of records, it is found that the appeal was disposed of on the portal on 14/05/2020 and because of the nationwide lockdown due to COVID-19, the signed hard copy of the reply could not be posted to the address of the appellant.

3. The appellant submits that he is seeking information about registered valuers who are in employment and they cannot be registered as a registered valuer as per the law. The respondent submits that appeal is assumptive of the information available with the IBBI, false declaration by the applicants and self-understanding of employment and reiterated that a person in employment is not eligible to seek registration under the Companies (Registered Valuers and Valuation) Rules, 2017 (Valuation Rules) which has to be satisfied while granting registration. Para 26 of Part II of Annexure II of the Valuation Rules, states that a member of an RVO shall make an application for temporary surrender of membership if he takes up employment. A plain reading of para 26 with rule 3(1) and 7(a) of the Valuation Rules, shows that a registered valuer cannot be in employment as long as he continues to be registered with the IBBI as a registered valuer., Therefore, there is no need to interfere with the information provided by the respondent.

4. The appellant has also sought audit reports done by the IBBI regarding the registered valuers who are in employment. As already stated above, the respondent has informed that no such report is available with the IBBI. Therefore, there is no need for this FAA to interfere with the matter.

5. The appeal is thus dismissed.

(Sd/-)

(K. R. Saji Kumar)

Executive Director and First Appellate Authority

Copy to

1. Appellant, Mr. Mohit Rasiklal Mehta.
2. CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, New Delhi.