

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

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 2nd June, 2021

RTI Appeal Registration No. ISBBI/A/E/21/00013

IN THE MATTER OF

Mr. Sudipta Biswas

... 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 present Appeal No. ISBBI/A/E/21/00013 dated 10th May, 2021, has been filed by Mr. Sudipta Biswas (Appellant), before the First Appellant Authority (FAA), Insolvency and Bankruptcy Board of India (IBBI) under the Right to Information Act, 2005 (RTI Act), against the disposal of the RTI Application No. ISBBI/R/E/21/00093 by the Central Public Information Officer - CPIO (Respondent) on 28th April, 2021.
2. The information sought by the Appellant under section 6 of the RTI Act and the response given by the Respondent are as under:

<i>Information Sought</i>	<i>Reply by CPIO</i>
<i>My qualification is B. Tech in Mechanical Engineering. I got licence in from IRDAI in the year 2019 to act as Surveyor/ Loss Assessor and from 2019- 2020, I am empanelled in 4 government and many private insurance companies. Presently I work when claim intimation is given by insurance companies to me. Along with doing work in Insurance companies as Surveyor/ Loss Assessor, I joined Masters in Real Estate Valuation in Regular Mode last year. I want to know after completing my Masters in Real Estate Valuation and getting 3 years of experience in valuation in land & building am I eligible for IBBI Examination in Land & Building.</i>	<i>In terms of rule 3 of the Companies (Registered Valuers and Valuation) Rules, 2017 ("Valuation Rules"), an individual who is eligible, may apply for registration as a valuer. Further, rule 4 prescribes the eligible educational qualifications and corresponding experience for seeking registration as a valuer.</i> <i>A copy of the Companies (Registered Valuers and Valuation) Rules, 2017 is also available on IBBI website, www.ibbi.gov.in</i>

3. In this appeal, the Appellant has broadly stated the following:

“Sir I want to know as I am self employed and presently working as Surveyor/ Loss Assessor and at the same time I am doing regular masters in real estate valuation. I don’t attend any classroom. I only give the examination conducted by them. As I heard 60% attendance is must to sit in the examination but practically its not. My college is far away from my Home Town. As I am working and doing regular masters course at the same time so-

1) Will my Masters will be treated as regular course”

4. Comments of the respondent were called for. who has submitted that the information being sought through appeal is different from what was sought in the original RTI application.

5. On perusal of the application submitted by Appellant for seeking information under RTI Act and the appeal made thereafter, it is observed that Appellant wants to know the answer to the following queries:

(i) *Whether after completing his Masters in Real Estate Valuation and getting 3 years of experience in valuation in land & building, will he be eligible for IBBI Examination in Land & Building?, and*

(ii) *Whether his masters in Real Estate Valuation in Regular Mode will be considered as a “regular course”?*

6. In this connection, it is important to refer the definition of ‘information’ in the RTI Act. Section 2(f) of the RTI Act defines ‘information’ as follows:

‘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.

7. It is stated in the Guide on the RTI Act issued by the DoPT under OM No. 1/32/2013-IR dated 28th November, 2013 that:

“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.”

8. 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), observed the following:

*“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.”

9. Further, the observations of the Hon’ble Supreme Court in the matter of *CBSE & Anr. Vs. Aditya Bandopadhyay & Ors.*, SLP(C) NO. 7526/2009 is also relevant, wherein it was held 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. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.”

10. The above being the position, the FAA notes that interpretation of provisions of Companies (Registered Valuers and Valuation) Rules, 2017 is not within its/CPIOs scope under the RTI Act.

11. Also, this FAA agrees with CPIO that the information sought in this appeal is different from what was sought in the original RTI application, as the query in original RTI application was limited to ‘eligibility for giving examination’, whereas the query in appeal pertains to ‘treatment of masters course as ‘regular course’’. In this regard, the following observations of the Hon’ble CIC in the matter of *Shri Harish Prasad Divedi Vs. Bharat Petroleum Corporation Ltd.* in Case No. CIC/LS/A/2013/001477SS are relevant:

“7. Having heard the submissions and perused the records, the Commission agrees with the Respondents that the information now sought by the Appellant in the present appeal did not form part of his original RTI application. Therefore, the Commission is not in a position to allow the disclosure of the information which had not even been sought by the appellant in his RTI application. An information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. No disclosure can, therefore, be directed to be made in the present appeal of the Appellant.”

12. In view of foregoing, the appeal is disposed of.

(Sd/-)

(Dr. Anuradha Guru)

Executive Director and First Appellate Authority

Copy to:

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