

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

2<sup>nd</sup> Floor, Jeevan Vihar Building  
Sansad Marg, New Delhi- 110 001

**Dated: 6<sup>th</sup> October, 2021**

**RTI Appeal Registration No. ISBBI/A/E/21/00024**

**IN THE MATTER OF**

**Chandeep Singh**

... 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 present Appeal dated 14<sup>th</sup> September 2021, challenging the communication of Respondent dated 14<sup>th</sup> September 2021 with regard to his RTI Application No. ISBBI/R/E/21/00144 dated 18<sup>th</sup> August 2021 filed under the Right to Information Act, 2005 (RTI Act). The request of the Appellant and response of the Respondent are as following: –

<b>Sl. No.</b>	<b>Request of the Appellant</b>	<b>Response of the Respondent</b>
1	<i>"I had registered a complaint with complaint number: COMP-11011/39/2021-IBBI on the 30<sup>th</sup> June 2021 and had even got an acknowledgment of the same also, I had made an online payment transfer to the account Please tell me the status of my complaint and if my complaint is valid my money needs to be refunded If my complaint is not valid I need to be informed of the same."</i>	<i>"The said complaint received by the Board is under process as per the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017."</i>

2. In his Appeal, the Appellant has submitted that:

*“....The answer to my query is incomplete and inadequate on 2 accounts*

*1. The Board IBBI has not told me that*

- My complaint does not require a redressal*
- That means my complaint requires redressal*

*2. If my complaint requires redressal that means as per the (Grievance and Complaint Handling Procedure) Regulations, 2017 And as per the Chapter 4*

*Section 7 Disposal of complaint*

*Point 8 : Where the Board is of the opinion that the complaint is not frivolous, it shall refund the fee of two thousand five hundred rupees received under sub-regulation (3) of regulation 3.*

*Why has my money not been refunded?*

*I have been wronged by the resolution professional and the IBBI as well in this reply*

*Please let me know whether my complaint is frivolous or not and accordingly give me back my Rs 2500.”*

3. In response to the Appeal, the Respondent has again stated that: - *“The said complaint received by the Board is under process as per the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017. Further, action on the said complaint can be informed to the applicant only after getting the complaint processed.”*
4. I have carefully examined the application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record.
5. The scope of information disclosure under the RTI Act is circumscribed by RTI Act itself. While the “*right to information*” flows from section 3 of the RTI Act, it is subject to other provisions of the Act. Section 2(j) of the RTI Act defines the “*right to information*” in terms 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.
6. The Appellant in this appeal has basically raised the grievance against the processing of his complaint in accordance with the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017. All the queries are raised by the Appellant by way of this Appeal in the garb of information request under the RTI Act. In fact, the Appellant has asked many questions in the nature of inquiries and assumptions. Such requests are, in my view, beyond the scope and ambit of sections 2(j) and 3 of the RTI Act. In this regard, I note that the Hon’ble Supreme Court of India in its judgment dated August 9, 2011, in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors., inter alia*, 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...”*

7. In this Appeal, the Appellant has contended that the disposal of his complaint was not done in specified period, and he wants to know if his complaint is frivolous or not and has asked for refund of the processing fee. These queries are based on assumption and are certainly inquisition soliciting a response of the Respondent for an answer rather than any ‘information’ within the scope and ambit of section 2(f) of RTI Act. This Act does not create obligation on the public authority to answer queries eliciting answers to questions. In this regard, it is relevant to refer to the Order dated April 21, 2006 of the Hon’ble CIC in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr*, wherein it was observed that: *“the RTI Act does not cast on the public authority any obligation to answer queries in which a petitioner attempts to elicit answers to his questions with prefixes, such as, ‘why’, ‘what’, ‘when’ and ‘whether’.* The petitioner’s right extends only to seeking information as defined in section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.”
8. In view of the above, I find that the information request is beyond the scope of the RTI Act and there is no reason to interfere with the decision of the CPIO in view of such Appeal. However, I note that the Appellant always has the liberty to proceed in accordance with IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017 with respect to his complaint.
9. The Appeal is disposed of accordingly.

Sd/

**(Santosh Kumar Shukla)**

First Appellate Authority

**Copy to:**

1. Appellant, Chanddeep Singh.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2<sup>nd</sup> Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.