

**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: 17th June, 2022

RTI Appeal Registration No. ISBBI/A/E/22/00019

IN THE MATTER OF

Akshay Goenka

... 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. Aggrieved by the response of the Respondent dated 28th April 2022, the Appellant has filed the present Appeal dated 25th May 2022. By the said letter dated 28th April 2022, the respondent had disposed of the RTI Application No. ISBBI/R/E/22/00093 dated 5th April 2022 filed by the Appellant under the Right to Information Act, 2005 (RTI Act).
2. In the RTI Application, the Appellant had requested for the following –
 - “1. All past and present pay and monetary/ non-monetary allowances (by whatever name called) of employees in each position and each grade, as decided by the Board as per Regulation 15(1) of the Insolvency and Bankruptcy Board of India (Employee Service), Regulations, 2017.
 2. The schemes framed and benefits allowed for the welfare of employees as decided by the Board as per Regulation 15(2) of the Insolvency and Bankruptcy Board of India (Employee Service), Regulations, 2017. Please provide all past and present schemes framed and benefits allowed for the welfare of employees as decided by the Board.
 3. The methodology of how all monetary/ non-monetary allowances (by whatever name called) are claimed by employees.
 4. If any revision is done for pay and monetary/ non-monetary allowances (by whatever name called) is done than please provide all the past and revised pay and monetary/ non-monetary allowances (by whatever name called) along with date of revision.”
3. The Respondent provided following information with point wise response to each of the above information requests of the Appellant: -
 - (1) The pay scale adopted by IBBI for each grades of its employees and details of availability of different allowance in terms of “Yes” or “No” response.
 - (2) The list of schemes for welfare of employees.
 - (3) The timing of payment of allowances to the employees.
 - (4) Revision in Housing Allowance.

4. In the appeal, the Appellant has broadly submitted the following: –
 - a. The reply by the Respondent on the first query is incomplete as the amount of allowance is not disclosed.
 - b. Only name of schemes has been provided whereas the request was for information regarding benefits allowed under the schemes. The Appellant has now requested for *“the amount and all the benefits allowed under the welfare schemes mentioned in RTI reply along with every detail about the inclusions and exclusions under these schemes mentioned in RTI reply.”*
 - c. The Respondent has not provided the manner of claiming allowances i.e. whether the allowances are claimed on the basis of bill or on the basis of declaration.
 - d. The Respondent has given incomplete reply by not providing the amount of the allowance. Accordingly, the Appellant has requested for amount of allowance before and after revision.
5. 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. It is pertinent to mention here that the Appellant’s *“right to information”* flows from section 3 of the RTI Act and the said right is subject to the 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. The inclusive list provides for the right to - (i) *inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.* In terms of section 2(f) of the RTI Act ‘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.*
6. The Appellant has requested from the Respondent information about *“all past and present pay and monetary/non-monetary allowances”* in his RTI Application. The Respondent provided the Appellant with scales of pay and the allowances which are admissible at each level in the Insolvency and Bankruptcy Board of India (IBBI). As can be seen from the RTI Application, the Appellant never requested for details of the ‘amount’ against each allowance.
7. Similarly, the Appellant has requested from the Respondent the information about *“all past and present schemes framed and benefits allowed for the welfare of employees”*. The Respondent provided the Appellant with names of schemes allowed for employees of IBBI. As can be seen from the RTI Application, the Appellant never requested for *““the amount and all the benefits allowed under the welfare schemes mentioned in RTI reply along with every detail about the inclusions and exclusions under these schemes mentioned in RTI reply”*”.
8. Further, the Appellant has also requested from the Respondent information about methodology as to how the allowances are claimed by the employees. The Respondent has stated that the allowances are paid along with their pay. As can be seen from the RTI Application, the Appellant never requested for *“the methodology of claiming all the monetary and non-*

monetary allowances by mentioning whether the allowances are claimed on the basis of bill or on the basis of declaration or by any other method.”

9. Also, the Appellant has also requested from the Respondent information about “*all the past and revised pay and monetary/ non-monetary allowances (by whatever name called) along with date of revision*”. The Respondent has provided the Appellant with name of the allowance along with the date of revision. As can be seen from the RTI Application, the Appellant never requested for “*amount of allowance before and after revision*”.
10. I find that these requests are raised by the Appellant for the first time in this appeal and are in the nature of clarification to the information sought and provided. As held by the Hon’ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited (decided on January 28, 2014)*, an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. In view of the same, I find that these fresh requests do not warrant consideration at this stage. Accordingly, the Respondent cannot be expected to provide the information not sought for in the RTI Application. I, therefore, find no reason to interfere with the decision of the Respondent. The Appeal is disposed of accordingly.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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