

**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: 14th December, 2021

RTI Appeal Registration No. ISBBI/A/E/21/00031

IN THE MATTER OF

Babu Lal Saini

... 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 18th November 2021, challenging the communication of the Respondent dated 16th November 2021 with regard to his RTI Application No. ISBBI/R/E/21/00181 dated 10th November 2021 filed under the Right to Information Act, 2005 (RTI Act).
2. The Appellant in his RTI application has stated that he had filed the claim on 04.03.2021 but no payment has been made till date, to which the Respondent had replied stating that the information sought is not available. In this Appeal, the Appellant has submitted that he had filed his claim in Form B but no payment has been made till date against his claim. Accordingly, he wants to know the reasons for the same.
3. I have carefully considered the application, response of the Respondent and the Appeal; and find that the matter can be decided based on the material available on record. 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. 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. Further, section 2(j) of the RTI Act defines the "*right to information*" in term of information accessible under the Act which is held by or is under the control of a public authority. Thus, if the public authority holds any information in the form of data, statistics, abstracts, etc. an applicant can have access to the same under the RTI Act subject to exemptions under section 8.

4. Therefore, the first duty of the Respondent is to examine whether the information request is covered within the scope of definition under section 2(f), then he must see whether it is held by IBBI and thereafter he should consider whether the information can be disclosed or not within the ambit of the RTI Act.
5. In this case, the Appellant has made request in the nature of a complaint that no payment has been made against his claim in respect of the corporate insolvency resolution process (CIRP) of Trimax IT Infrastructure & Services Limited till date, despite he had filed his claim in Form B with the concerned Resolution Professional. Obviously, the request is not an information request rather it is a complaint that cannot be redressed under the RTI Act.
6. As such, the grievance of the Appellant cannot be dealt under RTI Act. 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), has observed 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.”
7. Accordingly, I do not find any obligation of the Respondent under the RTI Act to provide the reasons as to why payment has not been made to the Appellant, till date.
8. In view of the above, I find that there is no need to interfere with the decision of the Respondent.
9. The Appeal is dismissed accordingly.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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