

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

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circle, New Delhi- 110 001

Dated: 21st October, 2024

RTI Appeal Registration No. ISBBI/A/E/24/00037

IN THE MATTER OF

Ishrat Ali

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circle, New Delhi - 110 001.

... Respondent

ORDER

1. The Appellant has filed present Appeal *vide* letter dated 22nd September 2024, challenging the communication of the Respondent dated 10th September 2024 with regard to his RTI Application No. ISBBI/R/E/24/00164 dated 9th August 2024 filed under the Right to Information Act, 2005 (RTI Act). In the RTI Application, the Appellant had requested the following –

“This Applicant had filed a Complaint-application U/s 235-A of the IBC 2016, to the Hon’ble Executive Director, IBBI, New Delhi – 110001, against an Insolvency Professional named therein. The Ref. No. of said Complaint was LA02/IBBI/Sec235-A/ ContraventionIRP-01 and it was dated 26.12.2023. Vide this Complaint-application, punishment to Contravener of the IB Code & Regulations / Rules framed there-under was requested for. I am seeking information in this regards under the Right to Information Act 2005 as under:

- 1. Kindly provide me information about the action taken by the Ld. Board upon my said Complaint-application.*
- 2. Kindly provide me a copy of the explanation / reply submitted by the Complainee (accused) in respect of the Complaint that this Applicant filed with the Ld. Board U/s 235-A of the IBC 2016.*
- 3. Kindly provide me information about Current Status of the said Complaint.”*

2. The Respondent has replied the following –

“It was informed in the complaint by the complainant that LA 2601.2023 has been filed on 13.06.2023 before NCLT Mumbai and the same is yet to be adjudicated. In view of the pendency of LA2601/2023, no action in the matter was taken by IBBI.”

3. Aggrieved by the same, the Appellant has sought the following relief in the Appeal –

“....

(a) A copy of the Document which stated not to take action upon Complaint by this Appellant dated 26.12.2023 because LA 2601/2023 is pending be kindly directed to be issued to the Appellant so that he can stand INFORMED appropriately and could take appropriate decision in respect of further course of action.

(b) Current Status of the said Complaint by this Appellant be kindly informed to him which was a part of the RTI Application but was not REPLIED by Ld. CPIO.”

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. The Appellant's “*right to information*” envisaged in section 3 of the RTI Act 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.
5. I note that the Appellant wants to know the action taken and the current status of his complaint. From the reply provided by the Respondent, it is clear that action was not taken due to the pendency of the IA before the NCLT Mumbai. It is not clear as to what further information is wanted by the Appellant. Moreover, RTI Act cannot be used for resolving the grievances of the Appellant. The grievances of the Appellant cannot be dealt under RTI Act. The Hon’ble CIC in *M Jameel Basba 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 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.*”
6. The appeal is, accordingly, disposed of.

Sd/
(Jithesh John)
First Appellate Authority

Copy to:

1. Appellant, Ishrat Ali.
2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circle, New Delhi- 110 001.