

**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: 24<sup>th</sup> June, 2022**

**RTI Appeal Registration No. ISBBI/A/E/22/00021**

**IN THE MATTER OF**

**Ishrat Ali**

... Appellant

Vs.

**Central Public Information Officer**

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

... Respondent

**ORDER**

1. The Appellant has filed the present Appeal dated 13<sup>th</sup> June 2022, challenging the response of the Respondent dated 17<sup>th</sup> May 2022 with regard to two queries in his RTI Application No. ISBBI/R/T/22/00009 dated 18<sup>th</sup> April 2022 filed under the Right to Information Act, 2005 (RTI Act). In the RTI Application, the Appellant has requested for the following –

*“(a) Kindly inform if the person who uploaded the said alleged orders all dated 25.02.2022 and Edited on 31.03.2022 using software PDFium was officially authorized to upload the Official Website of the IBBI. If yes, kindly provide a copy of the said Authorization.  
(b) Kindly inform Date and Time of uploading the said document consisting of 38 pages.”*

2. The Respondent replied stating that (i) no copy of authorisation pertaining to the software is available on record, and (b) that the order reflecting on website is dated 25.02.2022 and no time is reflecting on the website of NCLT and IBBI.
3. Aggrieved by the same, the Appellant has submitted in this Appeal that (i) information about authorisation to edit a legal order prior to its uploading on IBBI website and authorisation to extra-ordinarily delayed uploading, be provided, (ii) information pertaining to date and time of uploading the order be provided.
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. Before examining the request, I deem it appropriate to deal with scope of information and right to receive the information under the RTI Act. It is noted that 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.”

5. The aforesaid definition contemplates providing of material in the forms of records, documents, opinions, advice, etc. It does not include giving opinions on issues raised or providing clarifications or advice to inquiries. 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 and which can be disclosed subject to exemptions under section 8 of the RTI Act. 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. It is thus, clear that the “*right to information*” under section 3 of the RTI Act is circumscribed by RTI Act itself as the right is limited within scope of ‘*information*’ as defined under section 2(f) and is subject to other provisions including those under section 8 of the Act.
6. The Appellant is aggrieved by the uploading of an Order on the website of IBBI. He claims that the Order has been edited using a third-party software before uploading and the same has been uploaded with delay on the website of IBBI. Accordingly, he has asked for copy of authorisation for uploading the Order. Further, he has asked for the date and time of uploading of the said Order on website.
7. It is pertinent to note that the Orders/Judgments of judicial authorities as available on the IBBI website are for facilitation purpose only. The IBBI does not certify the contents of any Orders and the users are legitimately expected to obtain the authenticated/ certified copy of the Orders/Judgments for authentic usage from the source. From the provisions of the RTI Act, it is clear that the Respondent’s obligation is limited to information which is held or is under control of the public authority. I find that the Respondent has already provided whatever is held and in control of IBBI and nothing more can be provided to the Appellant.
8. In view of the above, I do not find any reason to interfere with the decision of the Respondent.
9. The Appeal is accordingly, disposed of.

**Sd/**  
**(Santosh Kumar Shukla)**  
First Appellate Authority

**Copy to:**

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