

**WHOLE TIME MEMBER AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 18TH OF JANUARY, 2019

Appeal No. ISBBI/A/2019/00021 (F. No. IBBI/BS/RTI/RTI APP/AVTAR SINGH/244)

Dated: January 7, 2019

Arising out of Order dated December 27, 2018 under RTI Request No.
ISBBI/R/2018/00062

IN THE MATTER OF

Mr. Avtar Singh Vinayak

.....

Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan

New Delhi

.....

Respondent

ORDER

1. The present Appeal No. ISBBI/A/2019/00021 dated January 7, 2019 received in the office of the First Appellate Authority (FAA), Insolvency and Bankruptcy Board of India under the Right to Information Act, 2005 has been preferred by Mr. Avtar Singh Vinayak against the order of the CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/00062.
2. On a detailed perusal of the RTI Application of Mr. Avtar Singh Vinayak, it is observed that the appellant sought information pertaining to his complaint in the matter corporate insolvency resolution process of Jaypee Infratech Limited, and subsequent process and action on the said complaint thereto and *inter alia*, asked for-
 - (i) *...Please inform the status of the above complaint letters till date along with all the relevant documents including file noting, if any.*
 - (ii) *Action taken on any reply received on behalf of the IRP.*
 - (iii) *Breakup of the month wise expenditure done on construction till date.*
 - (iv) *Copy of the bills/invoices raised by suppliers/vendors of materials used in construction and consequent payments made to them.*

- (v) *Details of the persons executing the construction work since the appointment of the IRP.*
- (vi) *Total amount of the money refunded to the homebuyers including the number of the homebuyers.*
- (vii) *Plan submitted by the IRP for completion of the projects.*

3. The respondent, CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to the RTI Request No. ISBBI/R/2018/00062 of the appellant, have opined that:
 - (i) *With respect to point (i) and (ii) of the para 2 above, the complaints filed are under process.*
 - (ii) *With respect to point (iii) to (vii) of the para 2 above, the information so sought is not available with Insolvency and Bankruptcy Board of India.*
4. The appellant raised the present appeal on the ground that the CPIO blatantly denied having any information so requested in the RTI query in point (iii) to (vii) of the para 2 above.
5. The present RTI appeal has been examined and I have perused the response provided by the respondent in respect of the queries raised in the RTI application.
6. In this regard the Hon'ble Supreme Court of India in *Thalappalam Ser. Coop. Bank Ltd. & Ors, v. State of Kerala & Ors. (Civil Appeal No. 9017 of 2013)*, while interpreting the term "information" enshrined in Section 2(f) of the RTI Act, 2005 has observed that "...citizens have a right to get information, but can have access only to the information "held" and under the "control of public authorities", with limitations. If the information is not statutorily accessible by a public authority, as defined in Section 2(h) of the Act, evidently, that information will not be under the "control of the public authority".
7. Also, The Hon'ble CIC in the matter of *Sh. Alok Shukla vs. CPIO, SEBI (File No. CIC/SM/A/2012/001838)*, held: "*While dealing with RTI, we should not forget that information means only an existing material record. The CPIO can provide the copy of the available records; he cannot create new records in order to address specific queries of the Appellant.*".

8. In view of the above, it is observed that-

- (i) in respect of RTI queries, *point (i) and (ii) of the para 2 above*, no interference is warranted.
- (ii) in respect of RTI queries, *point (iii) to (vii) of the para 2 above*, the information is not 'held' by it, hence, not available.

Accordingly, the appeal is disposed of.

Sd/-

(Dr. Navrang Saini)

Whole Time Member and First Appellate Authority

Copy to

1. Mr. Avtar Singh Vinayak
2. CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan
New Delhi