

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

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 1ST OF AUGUST, 2018

Appeal No. ISBBI/A/2018/60009 (F. No. IBBI/RTI/LOKESH BOTHRA/150)

Dated: June 27, 2018

Arising out of Order dated June 4, 2018 under RTI Request No.
ISBBI/R/2018/50041

IN THE MATTER OF

Shri Lokesh Bothra

.....

Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan

New Delhi

.....

Respondent

ORDER

1. The present Appeal No. ISBBI/A/2018/60009 dated June 27, 2018 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 Shri Lokesh Bothra against the order of the CPIO, Ms. Anita Kulshrestha, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/50041.
2. On a detailed perusal of the RTI Application of Shri Lokesh Bothra, it is observed that the appellant sought the following information from the Insolvency and Bankruptcy Board of India: -
 - (i) “Am I eligible to register with IPA as on today OR after completion of 10 years’ experience as per the provisions available at the time of passing of Limited Insolvency Examination.
 - (ii) Is this certificate Passing of Limited Insolvency Examination usable for me for registration with IPA as well as for registration of Insolvency Professional with

IBBI as the validity of the certificate if for life at the time of issuing the certificate.”

3. The appellant in the present appeal has averred that clear response was not provided. He raised the following query: -

(i) *“Am I eligible as per Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016 (Principle Regulation), as per the ground of Regulation 5 of the Regulation?”*.

4. 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. In this context, I find that information in respect of the specific query in para 3 in point (i) does not constitute ‘information’ as defined under Section 2(f) of the RTI Act, 2005.
5. Further, it is also to be noted that the Hon’ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Civil Appeal No. 6454 of 2011) has, inter alia held: “A public authority is “...not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority.
6. What the Appellant wants here is clearly in the nature of seeking opinion and not information. The information solicited by the appellant amounted to eliciting the opinion and advice of the Insolvency and Bankruptcy Board of India which does not fall under “information” as defined under the RTI Act, 2005.

Accordingly, the appeal is disposed of.

Sd/-

(Mukulita Vijayawargiya)

Whole Time Member and First Appellate Authority

Copy to

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