

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

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 9TH OF JANUARY, 2019

Appeal No. ISBBI/A/2018/60015 (F. No. IBBI/BS/Appeal/Appeal
App/250/Paramjeet Singh)

Dated: December 15, 2018

Arising out of Order dated December 12, 2018 under RTI Request No.
ISBBI/R/2018/50127

IN THE MATTER OF

Mr. Paramjeet Singh Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan
New Delhi

..... Respondent

ORDER

1. The present Appeal No. ISBBI/A/2018/60015 dated December 15, 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 Mr. Paramjeet Singh against the order of the CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/50127.
2. On a detailed perusal of the RTI Application of Mr. Paramjeet Singh, it is observed that the appellant sought the following information from the Insolvency and Bankruptcy Board of India: -
 - (i) *“Are there any amendments for the waivers of 50-hour training and examinations for getting registration as Valuers under section-247 read with sections 458 and 469 of the Companies Act 2013 (18 of 2013) for already registered valuers under section 34AB of the Wealth Tax Act 1957.*

(ii) If it is so, what is the condition(s) viz a viz age and experience of those existing valuers under section 34AB of the Wealth Tax Act 1957.

(iii) Are there any further amendments in the pipeline regarding Registration of valuers under IBBI Norms in near Future.”

3. The respondent, CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to the RTI Request No ISBBI/R/2018/50127 of the appellant, has held that “information sought is in the nature of advice / opinion, therefore, it does not fall under the definition of information under RTI Act.”.
4. The appellant raised the present appeal on the ground that the CPIO did not provide the details to information so requested in the RTI query.
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. The Hon’ble CIC in the matter of *S.K. Kapoor Vs. CPIO, SEBI & Anr.* (Order dated February 21, 2007), wherein, held: “...the SEBI Act, Rules, all its instructions are properly in the public domain already, which the appellant can easily access by putting up little bit of extra effort. Far from it, he wishes to treat the public authority as his Consultants who should enable him to locate provisions of Acts & Rules at public cost. This is not what the RTI Act is all about. In view of the above, there shall be no disclosure obligation regarding this item of information”.
7. The Central Information Commission in its decision No. CIC/AT/A/2006/00045, dated 21.04.2006 in the case relating to *Dr. D.V. Rao, Superintendent (Legal), Deptt. of Legal Affairs Vs. Shri Yashwant Singh, APIO & Deputy Secretary (A), Deptt. of Legal Affairs*, had held that ‘the RTI Act does not cast on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner’s right extends only to seeking information as defined in Section 2 (f) either by pinpointing the file, document, paper or record, etc., or

by mentioning the type of information as may be available with the specified public authority.'

8. Further, the Companies (Registered Valuers and Valuation) Rules, 2017 is placed on the website- 'www.ibbi.gov.in', *i.e.*, public domain and accessible to all. Once the information is available in the public domain, it cannot be said to be 'held' or 'under the control of' the public authority.
9. In this context, the information sought by the appellant under para 2 is in the nature of seeking advice/opinion, therefore, it does not fall under the definition of the information under section 2(f) of the Right to Information Act, 2005.
10. Accordingly, the appeal is disposed of.

Sd/-

(Dr. Navrang Saini)

Whole Time Member and First Appellate Authority

Copy to

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