

**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: 16<sup>th</sup> March 2021**

**RTI Appeal Registration No. ISBBI/A/E/21/00006**

**IN THE MATTER OF**

**Mr. Somasundaram S**

... Appellant

Vs.

**Central Public Information Officer**

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

... Respondent

**ORDER**

1. The present Appeal No. ISBBI/A/E/21/00006 dated 19<sup>th</sup> February, 2021, has been filed by Mr. Somasundaram S (Appellant), before the First Appellant Authority (FAA), Insolvency and Bankruptcy Board of India (IBBI) under the Right to Information Act, 2005 (RTI Act), against the disposal of the RTI Application No. ISBBI/R/E/21/00014 by the Central Public Information Officer - CPIO (Respondent) on 12<sup>th</sup> February, 2021.
2. The information sought by the Appellant under section 6 of the RTI Act and the response given by the Respondent are as under:

<b>S. No</b>	<b>Information Sought</b>	<b>Reply by CPIO</b>
1.	<i>Dear Sir Please find enclosed the details for my queries &amp; Concern.</i>  <i>Thanks &amp; Regards</i> <i>S.Somasundaram</i> <i>93812 59532</i>	<i>Reply 1-3: Information sought is not available.</i>

3. In this appeal, the appellant has stated that he is not satisfied with the reply of the CPIO and has accordingly requested this FAA to provide him with the desired information.
4. Comments of the respondent were called for. The respondent has submitted that:

*“Reply 1-3: Information sought is not collected and maintained by IBBI. Hence, it is not available with IBBI.”*

5. On perusal of the Application submitted by RTI Appellant for seeking information under RTI Act and the appeal made thereafter, it is observed that Appellant was an employee of M/s. Empee Distilleries Ltd and has requested for following documents from IBBI regarding the same:
- a. Reason for not giving his December 2018 Salary, when all other staff received the same.*
  - b. PF pending for 6 months, when it will be settled? Why it is still pending?*
  - c. Why his Gratuity, Settlement is pending so long? When it will be settled?*
6. In this connection, the FAA notes that the information sought by the Appellant is not maintained by the IBBI. Further, IBBI is not under obligation to maintain such information. Accordingly, no further information can be provided to the Appellant.
7. Considering the above, the observations of the Hon'ble High Court of Delhi in the *Registrar Supreme Court of India v. Commodore Lokesh K. Batra & Ors (LPA 24/2015 & CM No. 965/2015)* may be relevant wherein, it was observed that:
- “15. On a combined reading of Section 4(1)(a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, ‘right to information’ under Section 2(j) means only the right to information which is held by any public authority...”*
- Further, the Hon'ble Supreme Court in the matter of *Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors. (Civil Appeal no. 6454 of 2011)* observed that:
- “But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant,.....”*
8. Accordingly, in view of foregoing, the appeal is disposed of.

(Sd/-)  
**(Dr. Anuradha Guru)**  
Executive Director and First Appellate Authority

Copy to:

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