

**BEFORE THE EXECUTIVE DIRECTOR AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 3rd February, 2024

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/24/00001**

IN THE MATTER OF

Ashok Kumar Sharma

... 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

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1. The Appellant has filed the present Appeal dated 5th January 2024, challenging the communication of the Respondent dated 13th October 2023 in respect of his RTI application no. ISBBI/R/E/23/00145 filed under the Right to Information Act (RTI Act). 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.
 2. It is noted that in his RTI application, the Appellant had requested for the following -
“The Balsara establishment is under liquidation as of June 30 2023 he is situated SATHYAVEDU ROAD, THANIPOONDI POST, GUMMIDIPOONDI TALUK Thiruvallur TAMIL NADU The company was not submitted to PF amount all employee since 2018 At 2022 how many times the PF amount credit to a employee?”
 3. The Respondent has provided the following reply –
“No information is sought in the application.”
 4. Aggrieved by the same, the Appellant has submitted the following in the Appeal –
“The Balsara establishment is under liquidation as of June 30 2023 he is situated SATHYAVEDU ROAD, THANIPOONDI POST, GUMMIDIPOONDI TALUK Thiruvallur TAMIL NADU The company was not submitted to PF amount all employee since 2018 At 2022 how many times the PF amount credit to a employee WHEN I am Asking to Pf Depatment to credit pf the the epfo deoatment saying that Balsara establishment is under liquidation Sir, The Balsara establishment is under liquidation as of June 30, 2023. The EPF dues have already been submitted to the liquidator, and the same has also been admitted. The said amount has not yet been received by PF office. After the receipt of the amount and ECR file, the same may be credited to the member account. This is for your kind information.”
 5. 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. 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.”* It is pertinent

to mention here that the Appellant's "*right to information*" flows from section 3 of the RTI Act and the said right is subject to the provisions of the Act. While the "*right to information*" flows from section 3 of the RTI Act, it is subject to other provisions of the Act. 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. 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.

6. I note that the Appellant has asked for crediting the member account when the amount is received against the EPF dues, and is aggrieved by the fact that the amount has not yet been credited. Such request is not a request for any documents from the Respondent. Hence, same does not fall within the definition of 'information' under the RTI Act. The Hon'ble CIC in *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances & Pension, Department of Personnel & Training, North Block, New Delhi -110001, File No: CIC/MPERS/A/2017/158527/SD* (Decision dated 06.05.2019), has observed that: "*Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarify/deduct information in respect of queries/clarifications. Similarly, redressal of grievance, noncompliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act.*"
7. In view of the above, I do not find any reason to interfere with the decision of the Respondent. Accordingly, the Appeal is disposed of.

Sd/
(Jithesh John)
First Appellate Authority

Copy to:

1. Appellant, Ashok Kumar Sharma.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.