

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

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circle, New Delhi- 110 001

Dated: 30th September, 2024

RTI Appeal Registration No. ISBBI/A/E/24/00030

IN THE MATTER OF

Sharad Kumar Jhunjhunwala

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan, Shankar Market,

Connaught Circle, New Delhi - 110 001.

... Respondent

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1. The Appellant has filed the present Appeal dated 24th August 2024, challenging the communication of the Respondent dated 23rd August 2024 in his RTI application no. ISBBI/R/T/24/00019. As this Appeal required detailed examination of provisions of RTI Act, same is disposed within 45 days instead of 30 days. In his RTI application filed under the Right to Information Act (RTI Act), the Appellant had requested for the following -
"Please provide the number of professional members professional institutes under jurisdiction of MCA, who have not completed the Continuous Professional Education credit hours prescribed by IBBI, ICSI, ICAI and ICMAI in the year 2023, 2022, 2021, 2020 and 2019."
 2. The Respondent has stated that *"The information sought is exempt under section 8(e) and (j) of RTI, 2005."* Aggrieved by the same, the Appellant has filed the present appeal stating the following -
*"The information sought has been denied by PIO claiming exemption.
No personal information of any individual was sought and PIO was not requested to name any individual hence there is no question of claiming exemption under 8 (e) and 8(j).
In view of above the RTI application may kindly be reconsidered and requested information may be provided?"*
 3. 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.
 4. The Appellant has claimed that aforesaid information has been denied by the CPIO claiming exemption under section 8(1)(e) and (j) whereas the same does not belongs to any individual resolution professional. While it is true that the information cannot be exempted under section 8(1)(e) and (j), when the same has already been disclosed on the website of IBBI in IP

Corner at <https://ibbi.gov.in/en/insolvency-professional>, the Appellant has asked for the collation of data with regards number of professional members of professional institutes under jurisdiction of MCA, who have **not completed** the Continuous Professional Education credits hours which requires compilation of a huge data at the end of IBBI, and the RTI Act cannot be used to compel the compilation of the data in the format requested by the Appellant.

5. I am of the view that this kind of requests in the RTI application and the appeal would go against the letter and spirit of the RTI Act and affect the regular work of the Respondent. In this regard, it is useful to refer to the following observations of the Hon'ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.* (Judgment dated August 9, 2011):

"Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

6. In my view, the form in which the appellant is insisting the information from the CPIO will result in disproportionate diversion of resources of Insolvency and Bankruptcy Board of India (IBBI). In this regard, it is pertinent to refer to section 7(9) of the RTI Act, which provides that - *An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question."*
7. Also, I do not find any larger public interest for a direction to collate and compile the details of information and to provide the same to the Appellant in the manner as he desires. Such exercise would defeat 'the practical regime of right to information' as envisaged in the preamble of the RTI Act and would disproportionately divert the resources of IBBI. I note that the Hon'ble CIC in the matter of *Shri Praveen Agarwal Vs. SEBI (Order dated October 1, 2008)* held that it is not open to appellant to saddle a public authority with elaborate queries, response to which could not be given without the public authority straining itself to wade through large volumes of information and data. Section 7(9) clearly forbids this form of disclosure.
8. In view of the above settled principle of law, the Appeal is disposed of.

Sd/
(Jithesh John)
First Appellate Authority

Copy to:

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