

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

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circus, New Delhi -110001

Dated: 17th April 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/00060**

IN THE MATTER OF

Arush Mittal

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan, Shankar Market,

Connaught Circus, New Delhi -110001

... Respondent

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1. The Appellant has filed the present Appeal dated 7th March 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). Since the Appeal required detailed analysis of different provisions of the RTI Act, same is disposed within 45 days of receipt of the present Appeal.
 2. The Appellant had sought information in his RTI application as follows, “(i) *Kindly inform the pending SCN issued to IPs as on 9/02/2025* (ii). *Kindly provide list of employees of IBBI* (iii). *Kindly provide the reason for disposal of complaint filed by NHLAI against Sutanu Sinha in complaint number IBBI/C/2024/01205* (iv). *Kindly provide the reply received from RP in complaint number IBBI/C/2024/01205* (v). *Kindly provide the form in which the appeal can be filed against the decision of IBBI* (vi). *Kindly inform whether Investigation authority was appointed in complaint number IBBI/C/2024/01205.*” The Respondent CPIO has, *inter-alia*, denied providing the reply of the Resolution Professional (RP) since it is in the nature of third-party information. The Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly refused access to the information sought since third-party information is not covered within the exception delineated under Section 8 of the RTI Act. Moreover, the Appellant has stated that denial of the information undermines public interest, and the principles of transparency enshrined under the RTI Act.
 3. I have carefully examined the applications, the responses of the Respondent and the Appeals 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. Section 2 (n) of the RTI Act defines “third party” as “a person other than the citizen making a request for information and includes a public authority.” Furthermore, Section 8(1)(j) of the RTI Act exempts the following information from disclosure, “(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.”

4. It is pertinent to note that the reply of the RP in complaint number IBBI/C/2024/01205 is in the nature of personal information pertaining to the RP concerned. The Hon’ble Supreme Court in *Bihar Public Service Commission vs. Saiyed Hussain Abbas Rizvi and Ors.* (Civil Appeal No. 9052 of 2012 (Arising out of SLP (C) No. 20217 of 2011) observed as follows, “In terms of this provision, information which relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual would fall within the exempted category, unless the authority concerned is satisfied that larger public interest justifies the disclosure of such information. It is, therefore, to be understood clearly that it is a statutory exemption which must operate as a rule and only in exceptional cases would disclosure be permitted, that too, for reasons to be recorded demonstrating satisfaction to the test of larger public interest. It will not be in consonance with the spirit of these provisions, if in a mechanical manner, directions are passed by the appropriate authority to disclose information which may be protected in terms of the above provisions.” Thus, if the information sought for is personal and has no relationship with any public activity or interest or it will not sub-serve larger public interest, the Respondent CPIO is not legally obliged to provide that information. In view of the above, the disclosure of the reply given by the RP in the impugned complaint shall be tantamount to an unwarranted invasion of RP’s privacy.
5. The Appeal is, accordingly, disposed of.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

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2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110001.