

**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: 3rd March, 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act)
in respect of RTI Appeals**

IN THE MATTER OF

Shashi Agarwal

... 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

1. The Appellant has filed multiple Appeals under the Right to Information Act (RTI Act). The information requested under these RTI Appeals are *inter-alia* as follows –

Sl. No.	Appeal Registration Number	RTI Registration no.	Date of reply of CPIO	Subject Matter
1.	ISBBI/A/E/25/00019	ISBBI/R/E/25/00275	06-01-2025	Copy of documents on the basis of which DC order has been passed; Documents which was before DC to make observations
2.	ISBBI/A/E/25/00020	ISBBI/R/E/24/00304	13-02-2025	No reply by CPIO within time limit
3.	ISBBI/A/E/25/00021	ISBBI/R/E/24/00300	15-01-2025	Documents, findings and submissions before DC; Evidence or reasoning considered by DC to ignore orders of Delhi High Court; records relating to acceptance of illegal DIR-11; approvals / exemptions to DC to overlook provisions of IBC; copy of noting relating to SCN, etc.
4.	ISBBI/A/E/25/00022	ISBBI/R/E/24/00287	07-01-2025	Copy of action after receipt of e-mail relating to Hon'ble SC stating that IBBI will not be bound by observations of NCLAT and would independently apply its mind; documents on basis of which SCN was issued; any special dispensation to DC to ignore order of SC; etc.
5.	ISBBI/A/E/25/00023	ISBBI/R/E/24/00288	07-01-2025	Provision of law under which misdeed of third party be addressed; Provision which stated that IP will also be liable or wrongdoing of third party;
6.	ISBBI/A/E/25/00024	ISBBI/R/E/24/00286	07-01-2025	Records and information which state that preparation of IM was possible; copy of audited financial statements of CD for past 2 years which are to be annexe with IM; Compliance of said regulation is mandatory as in another case, the DC observed that preparation of IM was possible; allow applicant inspection of records, documents apart from SCN.

7.	ISBBI/A/E/25/00025	ISBBI/R/E/24/00274	10-01-2025	Copy of submissions made by applicant before DC; documents due to which 'incorrectly' word was removed from written submission of applicant to SCN;
8.	ISBBI/A/E/25/00026	ISBBI/R/E/24/00276	09-01-2025	Copy of IA filed by applicant as stated in order of DC; copy of other documents relied by DC in relation to IA No. 335/KB/2021
9.	ISBBI/A/E/25/00028	ISBBI/R/E/24/00303	20-01-2025	Was the final order of SC not uploaded on IBBI website as per policy of IBBI; Provide copy of policy/circular/notification of uploading orders on IBI website; name and contact of officers be disclosed.
10.	ISBBI/A/E/25/00029	ISBBI/R/E/24/00305	20-01-2025	Copy of reasons for not accepting decision of applicant of declaration of a party as related party; Copy of provisions of law which state that IP will be held responsible for all actions taken in terms of NCLT order
11.	ISBBI/A/E/25/00030	ISBBI/R/E/25/00010	24-02-2025	No reply by CPIO to 8 RTI applications within time limit
12.	ISBBI/A/E/25/00031	ISBBI/R/E/25/00011	24-02-2025	No reply by CPIO to 8 RTI applications within time limit
13.	ISBBI/A/E/25/00032	ISBBI/R/E/25/00013	24-02-2025	No reply by CPIO to 8 RTI applications within time limit
14.	ISBBI/A/E/25/00033	ISBBI/R/E/25/00015	24-02-2025	No reply by CPIO to 8 RTI applications within time limit
15.	ISBBI/A/E/25/00034	ISBBI/R/E/25/00014	24-02-2025	No reply by CPIO to 8 RTI applications within time limit
16.	ISBBI/A/E/25/00035	ISBBI/R/E/25/00021	24-02-2025	No reply by CPIO to 8 RTI applications within time limit
17.	ISBBI/A/E/25/00036	ISBBI/R/E/25/00020	25-02-2025	No reply by CPIO to 8 RTI applications within time limit
18.	ISBBI/A/E/25/00037	ISBBI/R/E/25/00019	28-02-2025	No reply by CPIO to 8 RTI applications within time limit

2. As the appeals required detailed analysis of provisions of the RTI Act, same are disposed of within 45 days. Also, as the Appeals pertain to similar subject matter, same are disposed *vide* a common order. 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.
3. The aforesaid definition contemplates providing of material in the forms of records, documents, opinions, advice, etc. It does not include giving opinions on issues raised or providing clarifications or advice to inquiries. 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 and which can be disclosed subject to exemptions under section 8 of the RTI Act. 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. It is also clear that the “right to information” under section 3 of the RTI Act is circumscribed by RTI Act itself as the right is limited within scope of ‘information’ as defined under section 2(f) and is subject to other provisions including those under section 8 of the Act.

4. 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 the following:
“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, non-compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act.”
5. I also note that Hon’ble Supreme Court of India in its judgment dated August 9, 2011 in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors.* had held that: ...A public authority is “...not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.”
6. Further, the Respondent is expected to provide information as available on record and not create any information. The scope of ‘right to information’ under section 2(j) of the RTI Act limits the information to one ‘accessible’ under the RTI Act and ‘which is held by or under the control of any public authority’.
7. Upon perusal of the record, it is evident that the appellant has been repeatedly filing multiple RTI applications seeking substantially similar or overlapping information. This pattern of indiscriminate filing is a blatant abuse of the RTI mechanism and amounts to harassment of the public authority. The RTI Act is not meant to be a tool for frivolous and vexatious litigation, nor should it be misused to create administrative roadblocks or disrupt the normal functioning of government offices. The Appellant's repeated and excessive demands have resulted in a substantial waste of public resources, time, and effort, thereby impeding the efficiency of the concerned public authority. Such misuse not only diverts attention from genuine RTI queries but also causes an undue burden on government officials, who are obligated to respond to each application in a time-bound manner under the Act. This deliberate and calculated misuse of the RTI process is unacceptable.
8. The RTI Act was enacted with the primary objective of ensuring transparency and accountability in governance while empowering citizens with the right to access information. However, it is not a license to make repetitive, frivolous, and unreasonable demands that serve no public interest. The Hon’ble Supreme Court and various High Courts have categorically held that the right to information is not an unqualified right and must be exercised responsibly. The abuse of RTI provisions for obstructing public administration, intimidating officials, or indulging in unnecessary fishing and roving inquiries is contrary to the intent of the legislation. Filing multiple RTI applications with similar content amounts to sheer misuse of the statutory right, and such conduct should be discouraged. The Act is meant to promote transparency, not to paralyze public authorities with voluminous and baseless queries that serve no

legitimate purpose. It is reiterated that RTI should be used for seeking information in a *bona fide* manner, not as a tool to intimidate, threaten, or harass public officials through indiscriminate and vexatious applications.

9. 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."
10. Upon perusal of the RTI applications and submissions made in appeal, it is apparent that the Appellant is aggrieved by the order of the Disciplinary Committee of IBBI and has been persistently seeking information regarding the said order. It must be noted that the Respondent is neither required nor authorized to provide information beyond what is legally permissible under the RTI Act. Despite this, the Appellant has been persistently raising hypothetical and irrelevant queries that have no basis in law. Furthermore, the Appellant's conduct demonstrates a clear intent to misuse the RTI mechanism by filing repetitive and frivolous applications with the sole aim of harassing the public authority and obstructing due process. Such repeated and baseless filings not only create an unnecessary administrative burden but also hinder the public authority's ability to discharge its statutory duties effectively. This pattern of filing constitutes an egregious abuse of the RTI process.
11. In view of the foregoing, I find no merit in the present appeal, and the same is accordingly Dismissed. Furthermore, the Appellant is strictly warned to refrain from such misuse of the RTI Act in the future. Any further attempts to misuse the RTI framework by submitting indiscriminate or repetitive applications shall be dealt with under applicable laws.
12. The Appellant is reminded that the RTI Act is a tool for ensuring accountability and good governance and should not be used as a means to burden or disrupt public offices with unnecessary demands. Any future violation of the responsible use of RTI shall be viewed seriously and dealt with accordingly.
13. With regard to RTI Appeal nos. ISBBI/A/E/25/00020, ISBBI/A/E/25/00030, ISBBI/A/E/25/00031, ISBBI/A/E/25/00032, ISBBI/A/E/25/00033, ISBBI/A/E/25/00034, ISBBI/A/E/25/00035, ISBBI/A/E/25/00036, ISBBI/A/E/25/00037, it is noted that as per section 7(1) of the RTI Act, the Respondent is required to respond within 30 days of the receipt of the request. It appears that the Respondent has, in some instances, responded beyond the stipulated 30-day period in certain RTI applications. As the CPIO of a public authority like IBBI, the Respondent must remain vigilant in adhering to the statutory timelines prescribed under the RTI Act. Timely disposal of information requests is essential to uphold the spirit of transparency and accountability

enshrined in the Act. Therefore, I strongly encourage and urge the Respondent to ensure that RTI applications are processed and disposed of within the legally mandated timeframe.

14. However, while strict adherence to statutory timelines is ideal, it is also important to recognize the practical difficulties faced by the Respondent when burdened with an excessive number of RTI applications, as seen in the present case. The repeated filing of multiple, substantially similar, or overlapping applications places an undue strain on limited administrative resources, making it extremely challenging—if not impossible—for the Respondent to respond to each application within the prescribed time limit. Such indiscriminate use of the RTI mechanism not only disrupts the normal functioning of the public authority but also diminishes its ability to focus on legitimate information requests. This, in turn, affects the overall efficiency of the RTI process and diverts valuable time and effort away from other critical public duties. While the RTI Act is a powerful tool for ensuring transparency, it must not be misused in a manner that obstructs the smooth operation of government functions.
15. Therefore, while urging the Respondent to remain sensitive to statutory timelines, I also acknowledge that the excessive filing of RTI applications by the Appellant has significantly contributed to the delay. A balanced approach is necessary to ensure that the right to information is exercised responsibly, without creating an unmanageable administrative burden that defeats the very purpose of the Act.
16. The said appeals listed in para 1 above, are accordingly, disposed of.

Sd/
(Kulwant Singh)
First Appellate Authority

Copy to:

1. Appellant, Shashi Agarwal.
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