

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

7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market,  
Connaught Circus, New Delhi -110001

**Dated: 18<sup>th</sup> August 2025**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI  
Appeal Registration No. ISBBI/A/E/25/000103, ISBBI/A/E/25/000104,  
ISBBI/A/E/25/000105**

**IN THE MATTER OF**

**Kairav Anil Trivedi**

... Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India

7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market,

Connaught Circus, New Delhi -110001

... Respondent

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1. The Appellant has filed the present Appeals dated 8th July 2025 and RTI Appeal No. ISBBI/A/E/25/000105 dated 9th July 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). Since the Appeals arise from the same subject-matter, they are hereby clubbed together and disposed of *vide* common order. The Appeals required detailed analysis of different provisions of the RTI Act and the same are disposed of within 45 days as enshrined under Section 19(6) of the RTI Act.
  2. With regard to RTI Appeal No. ISBBI/A/E/25/000103, the Appellant had requested for the following information, “*Ref - LA 5059/2024 filed with NCLT Mumbai where in IBBI has been made a party as respondent no 05 in the matter of Parenteral DrugsIndia Ltd Sub - Issuance of SCN by IBBI on Mr. Prawincharan Dwary(Resolution Professional) based on the multiple indeed violations of the IBC code, in the matter of Parenteral Drugs India Ltd. Please provide the copy of the Show cause notice issued to the Insolvency Professional Mr. Prawincharan Dwary (Resolution Professional) by IBBI for the CD Parenteral Drugs India Ltd, in compliance of the Regulations 11 (1) based on the materials available on record with IBBI as Respondent no 5 in LA 5059/2024 of the Multiple Intentional Violations of the IBC code by the Insolvency Professional Mr. Prawincharan Dwary (Resolution Professional), for the CD Parenteral Drugs India Ltd.*”. The CPIO Respondent, in its reply dated 02.06.2025, has stated the following, “*No such Show Cause Notice as mentioned in the application has been issued by the Board.*” Aggrieved with the reply, the Appellant has filed the present appeal stating the following, “*In compliance of the Regulations 11 (1) of the IBBI( Insolvency Professionals ) based on the materials available on record with IBBI as documented in the LA 5059/2024 where in IBBI has been made as respondent 05 and also the NCLAT appeal E filing no 2709138/10283/ 2024 dt 201024 where in IBBI has been made a respondent no05, which documents the Multiple Intentional Violations of the IBC code by the Insolvency Professional Mr. Prawincharan Dwary (Resolution Professional), for the CD Parenteral Drugs India Ltd, based on these documented allegations sufficient cause exists with IBBI to take action permissible u/s 220 , but till date it has not initiated any SCN on the RP3. Thus we have made a specific request our RTI ISBBI/R/E/25/00145 to provide the Documents and records evidencing as to why IBBI has not initiated any disciplinary proceedings for the intended violation even after IBBI being made party to the LA filed in NCLT and NCLAT 4. But this reply to RTI, is not only Incomplete but Misleading and completely False thereby this*

*reply to RTI intentionally fails to share the following documents as specifically requested in RTI. Our request to share: Please provide the copy of the Show cause notice issued to the Insolvency Professional Mr. Prawincharan Dwary (Resolution Professional) by IBBI for the CD Parenteral Drugs India Ltd, in compliance of the Regulations 11 (1) based on the materials available on record with IBBI as Respondent no 5 in IA 5059/2024 of the Multiple Intentional Violations of the IBC code by the Insolvency Professional Mr. Prawincharan Dwary (Resolution Professional), for the CD Parenteral Drugs India Ltd. Also the Documents on records that IBBI has considered the intended violations of the IB code of this RP as intimated to IBBI by making IBBI as a respondent in the above IA and appeal at NCLAT.”*

3. With regard to RTI Appeal No. ISBBI/A/E/25/000104, the Appellant had requested for the following information, “*Ref - Company Appeal of 2025 filed with NCLAT (E filling No.9910110/ 01245/ 2025) where in IBBI has been made a party as respondent no 05 in the matter of Parenteral Drugs India Ltd Sub -Issuance of SCN by IBBI on Mr. Prawincharan Dwary (Resolution Professional) based on the multiple indeed violations of the IBC code, in the matter of Parenteral Drugs India Ltd. Please provide the copy of the Show cause notice issued to the Insolvency Professional Mr. Prawincharan Dwary (Resolution Professional) by IBBI for the CD Parenteral Drugs India Ltd, in compliance of the Regulations 11(1) based on the materials available on record with IBBI as Respondent no 5 in Company Appeal of 2025 filed with NCLAT (E-filling No. 9910110/ 01245/ 2025) of the Multiple Intentional Violations of the IBC code by the Insolvency Professional Mr. Prawincharan Dwary (Resolution Professional), for the CD Parenteral Drugs India Ltd.*” The CPIO Respondent, in its reply dated 02.06.2025, has stated the following, “*No such Show Cause Notice as mentioned in the application has been issued by the Board.*” Aggrieved with the reply, the Appellant has filed the present appeal stating that the CPIO Respondent has wrongly denied the information sought by the Appellant and reiterated his request as stated in the aforementioned Appeal.
  
4. With regard to RTI Appeal No. ISBBI/A/E/25/000105, the Appellant had requested for the following information, “*Ref - Company Appeal of 2025 filed with NCLAT (E filling No.9910110/ 02222/ 2025) where in IBBI has been made a party as respondent no 05 in the matter of Parenteral Drugs India Ltd Sub -Issuance of SCN by IBBI on Mr. Prawincharan Dwary (Resolution Professional) based on the multiple indeed violations of the IBC code, in the matter of Parenteral Drugs India Ltd. Please provide the copy of the Show cause notice issued to the Insolvency Professional Mr. Prawincharan Dwary (Resolution Professional) by IBBI for the CD Parenteral Drugs India Ltd, in compliance of the Regulations 11(1) based on the materials available on record with IBBI as Respondent no 5 in Company Appeal of 2025 filed with NCLAT (E-filling No. 9910110/ 02222/ 2025) of the Multiple Intentional Violations of the IBC code by the Insolvency Professional Mr. Prawincharan Dwary (Resolution Professional), for the CD Parenteral Drugs India Ltd.*” The CPIO Respondent, in its reply dated 02.06.2025, has stated the following, “*No such Show Cause Notice as mentioned in the application has been issued by the Board.*”. Aggrieved with the reply, the Appellant has filed the present appeal stating that the CPIO Respondent has wrongly denied the information sought by the Appellant and reiterated his request as stated in the aforementioned Appeal.
  
5. 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.

6. With regard to the aforesaid Appeals, the Appellant has requested for records/documents evidencing as to why IBBI has not initiated any disciplinary proceedings against Mr. Prawincharan Dwary (Resolution Professional) for the alleged violations of the Code while conducting the CIRP of the M/s Parenteral Drugs India Ltd (Corporate Debtor). Since no such SCN has been issued by the IBBI to the concerned RP, the CPIO Respondent is not expected to create any new information. 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.*” Moreover, the CPIO is not obligated to provide justifications for not pursuing a particular course of action under the RTI Act. He is also not required to provide clarification or redress grievances of the Appellant. The Bombay High Court at Goa, in the matter of *Dr. Celsa Pinto vs. Goa State Information Commission (W.P. No. 419 of 2007, decision dated 03.04.2008)* has held as follows, “*The definition of information cannot include within its fold answers to the question “why” which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.*”
7. Kindly note that the Appellant has filed 28 RTI applications before the CPIO seeking records pertaining to the disciplinary proceedings initiated by the IBBI against the Appellant. Moreover, the Appellant has filed 22 RTI Appeals against the replies provided by the CPIO. Upon perusal of the RTI applications and submissions made in appeal, it is apparent that the Appellant is aggrieved by the orders of the Disciplinary Committee of IBBI and has been insistently seeking information regarding the said orders. This design of indiscriminate filing is a blatant abuse of the RTI mechanism and amounts to harassment of the public authority.
8. 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. 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. 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) which held as follows, “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 counterproductive 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, tranquillity 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.”* This deliberate, persistent, inexorable and planned misuse of the RTI process by the Appellant is unacceptable. Such frivolous use of the RTI mechanism will be treated as a ground to deny information to the Appellant since it leads to disproportionate diversion of public resources as enshrined under Section 7(9) of the RTI Act.

9. In view of the foregoing, the replies of the CPIO does not warrant my interference.
10. The Appeals are, accordingly, disposed of.

**Sd/-**  
**(Kulwant Singh)**  
First Appellate Authority

**Copy to:**

1. Appellant, Kairav Anil Trivedi
2. CPIO, The Insolvency and Bankruptcy Board of India, 7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110001.