

**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: 4th April, 2025

Order under section 19 of the Right to Information Act, 2005 (RTI Act)

IN THE MATTER OF

Ravinder Aggarwal

... 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

ORDER

1. The Appellant has filed present Appeal dated 25th January 2025 (received on 20th February 2025), challenging the communication of the Respondent dated 3rd January 2025 with regard to his RTI Application No. ISBBI/R/E/24/00267 filed under the Right to Information Act, 2005 (RTI Act). The Appellant sought a plethora of information pertaining to the implementation of resolution plan passed for the revival the corporate debtor - MSA Developers Private Ltd on 15.02.2024. The Appellant has sought information, *inter-alia*, on the Monitoring Committee, amount disbursed to homebuyers and fraud committed by Deepak Aggarwal (Successful Resolution Applicant).
2. The Respondent had, *inter-alia*, responded that while the information sought by the Appellant is not available with it, the other requests for information covered under the definition of 'information' under section 2(f) of the RTI Act, 2005.
3. In this Appeal, the Appellant has stated that his RTI Application has been rejected on flimsy grounds since the Successful Resolution Applicant, as Chief Operating Officer (COO) of Adel Landmarks, has committed innumerable frauds upon the company and pushed it into insolvency.
4. 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. Before examining the request, I deem it appropriate to deal with scope of information and right to receive the information under the RTI Act. It is noted that 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 relevant to mention here that 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 terms 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.

5. I find that the Appellant is seeking response of the IBBI on the alleged criminal activities committed by the SRA. Such requests of the Appellant are inquisitions inviting and soliciting response in the nature of explanation, clarification, opinion etc. and is beyond the scope of ‘*information*’ under section 2(f) and the ‘*right to information*’ under section 2(j) of the RTI Act. The CPIO is not bound to provide any such advice/guidance or opinion to the Appellant. In this context, I 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: *“...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.”* Moreover, the Respondent IBBI is not obligated to create new information or redress grievances of the Appellant under the ambit of the RTI Act, 2005. In *Yogesh Kumar vs. CPIO, M/o. Personnel, Public Grievances & Pensions, Department Of Personnel & Training (CIC/DOP&T/A/2018/170564)*, the CIC held that, *“The Commission observes from the proceedings during the hearing as well as the perusal of facts on record that the instant matter is not as much about seeking information as much it is about redressing the Appellant’s grievance emanating from the non-implementation of the averred MACP scheme. As rightly pointed out by the CPIO, the information sought in the RTI Application does not even conform to Section 2(f) of the RTI Act.”*
6. In view of the above, I find that there is no need to interfere with the decision of the Respondent.
7. Accordingly, the appeal is disposed of.

Sd/
(Kulwant Singh)
First Appellate Authority

Copy to:

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