

**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: 11th 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/25/00038, ISBBI/A/E/25/00039,
ISBBI/A/E/25/00040 & ISBBI/A/E/25/00041**

IN THE MATTER OF

Ishrat Ali

... 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 impugned Appeal No. ISBBI/A/E/25/00038 dated 26th February 2025, while the other Appeals have been filed dated 27th February 2025, challenging the communication of the Respondent filed under the Right to Information Act (RTI Act). 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.
 2. With regard to RTI Appeal No. ISBBI/A/E/25/00038, the Appellant sought information on any action taken against Mrs. Anagha Anasingaraju by the IBBI for filing forged documents to validate her appointment as the Resolution Professional (RP) for the Corporate Debtor (CD) named Micro Dynamics Pvt. Ltd. The Respondent CPIO replied that such information is not available with them. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied within the statutory timeline enshrined under the RTI Act and denial of information tantamount to failure of IBBI to discharge its regulatory duties.
 3. With regard to RTI Appeal No. ISBBI/A/E/25/00039, the Appellant sought details on the receipt of information of appointment of Mrs. Anagha Anasingaraju by the CoC, date of constitution of CoC in the matter of present CD and the date on which notice was served to the members of the CoC under Regulation 19 of CIRP Regulations, 2016. The Respondent CPIO replied that while information pertaining to the appointment of Mrs. Anagha Anasingaraju has been uploaded by the RP on the IBBI portal, the report of the RP certifying the constitution of CoC has already been provided to the Appellant and the date of mandatory notice is not available with IBBI. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied within the statutory timeline enshrined under the RTI Act and denial of information tantamount to failure to discharge its regulatory duties.
 4. With regard to RTI Appeal No. ISBBI/A/E/25/00040, the Appellant sought details on the date of constitution of CoC in the matter of present CD and the date on which notice was served to the members of the CoC under Regulation 19 of CIRP Regulations, 2016. The

Respondent CPIO replied that while the CoC was constituted on 23.02.2022, the report of the constitution of CoC has already been provided to the Appellant. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied within the statutory timeline enshrined under the RTI Act and denial of information undermines the principles of transparency and accountability.

5. With regard to RTI Appeal No. ISBBI/A/E/25/00041, the Appellant sought details on the minutes of meetings wherein the IBBI decided against initiating action against Mrs. Anagha Anasingaraju. The Respondent CPIO has not replied to the information sought. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
6. 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. It is noted that as per section 7(1) of the RTI Act, the CPIO is required to respond within 30 days of the receipt of the request.
7. With regard to RTI Appeal No. ISBBI/A/E/25/00038, the Application was received by CPIO on 21st January 2025. However, they were disposed of on 5th March 2025. With regard to RTI Appeal No. ISBBI/A/E/25/00039 & ISBBI/A/E/25/00040, the Applications were received by CPIO on 19th January 2025. However, they were disposed of on 28th February 2025. With regard to RTI Appeal No. ISBBI/A/E/25/00041, the Application was received by CPIO on 27th January 2025. However, the Respondent CPIO has not disposed of the application as on date. Thus, the disposal of appeals is beyond the time-limit prescribed under RTI Act. Being CPIO of Public Authority like IBBI, Respondent should be sensitive to timelines and disposal of information request. I would, therefore, encourage and urge the Respondent to take into account the requirements of law while dealing with information requests under the RTI Act and dispose of RTI applications within the prescribed time.
8. With regard to RTI Appeal No. ISBBI/A/E/25/00041, the Respondent CPIO is directed to dispose of the application within 10 days, in terms of the provisions of the RTI Act.
9. With reference to information sought on the date of information received on appointment of Mrs. Anagha Anasingaraju by the CoC and the report of the constitution of CoC, the information has already been provided. Accordingly, the information as available on record, has been provided to the Appellant. The scope of ‘right to information’ under section 2(j) of the RTI Act is limited to the information which is ‘accessible’ under the RTI Act and ‘which is held by or under the control of any public authority’. In my view, the information as requested by the Appellant is already with him and no further information can be disclosed.

10. With reference to information sought on action taken against Mrs. Anagha Anasingaraju by the IBBI for filing forged documents to validate her appointment as the RP for the CD and the date on which notice was served to the members of the CoC under CIRP Regulation, 2016, the Respondent CPIO cannot be compelled to create new information out of thin air, when the same is not available with them. The right of the Appellant is limited to the scope of 'information' under the RTI Act. 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 that, "*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.*"
11. The Appeals are, accordingly, disposed of.

Sd/
(Kulwant Singh)
First Appellate Authority

Copy to:

1. Appellant, Ishrat Ali
2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110 001.