BEFORE THE CHIEF GENERAL MANAGER AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circus, New Delhi -110001
Dated: 18th September 2026

Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI Appeal Registration No. ISBBI/A/E/26/00037 & ISBBI/A/E/26/00038

IN THE MATTER OF

S. Giri … 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 Appeals dated 5th August 2026 and 7th August 2026 respectively, challenging the reply of the CPIO under the RTI Act. Since the Appeals pertain to the functioning of the National E-Governance Services Limited (NeSL) and required detailed analysis of different provisions of the RTI Act, same are disposed of *vide* common order within 45 days of their receipt as required under Section 19(6) of the RTI Act.

1. With regard to RTI Appeal no. ISBBI/A/E/26/00037, the Appellant had sought the following information in its application: -
"First, records of how NESL has represented its corporate status, private versus government, in its filings to IBBI.
Second, compliance documents around the user registration and identity verification process of NESL, including the recently introduced PAN, OVD and UIDAI authentication requirements and its Sub Authentication User Agency licence.
Third, approvals authorising the digital stamping services of NESL, and whether these extend to standalone digital stamping similar to a stamp vendor.
Fourth, the regulatory provisions on whether financial information must be sent to counterparties for authentication.
Fifth, any requests by NESL for deviations, exemptions, or regulatory forbearance, together with the responses of IBBI.
Sixth, board level compliance certifications and oversight records.
Seventh, records of any inspections, investigations, show cause notices, or enforcement actions against NESL"

2. With regard to RTI Appeal no. ISBBI/A/E/26/00038, the Appellant had stated that the following information in its application: -

   "This RTI application to IBBI seeks details on NeSLs Business Continuity Plan for its Digital Document Execution and Electronic Bank Guarantee services. It asks the dates the plan was submitted and approved, and changes made for these services. It seeks the recovery time and recovery point targets versus the general standard. It requests drill records for the last four audit periods, and whether the plan covers helpdesk, customer support and Human Resources continuity at alternate locations. It also seeks IBBI findings on drill gaps,

special recovery norms, the Boards role in safe operations, whether a Board committee or Audit Committee oversees this, and the Compliance Officers role with IBBIs independent validation of standard conformity."

3. The CPIO has, inter-alia, replied that while the information sought can be accessed by the Appellant from the statutory framework hosted on the IBBI website, the other requests for information are exempt from disclosure under Section 8(1)(d) and Section 8(1)(e) of the RTI Act. Aggrieved with the replies, the Appellant has filed the instant Appeals stating that the CPIO has wrongly denied the information sought in the RTI Applications.

4. I have carefully examined the application, the response of the Respondent and the instant Appeal 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. 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.

5. The information sought by the Appellant relates to the regulatory framework governing the National e-Governance Services Limited (NeSL) under the Insolvency and Bankruptcy Code, 2016, IBBI (Information Utilities) Regulations, 2017, and the Guidelines for Technical Standards for the Performance of Core Services and Other Services. Since the documents are available in the public domain and can be accessed from the IBBI website, the CPIO is not obligated to interpret such information, provide explanations, or redress the underlying grievances of the Appellant. The CIC in *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances & Pension, (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."

6. In addition to the aforesaid, the information furnished by NeSL to the Board is received in the course of a supervisory relationship between the Board and NeSL. Such information is provided and received in discharge of regulatory functions of the Board, with the legitimate expectation that the information would be utilised for statutory purposes and maintained with due confidentiality. In this regard, in *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal (Civil Appeal Nos. 10044, 10045 and 2683 of 2010),* the Hon'ble Supreme Court of India observed that:

   "Fiduciary relationships, regardless of whether they are formal, informal, voluntary or involuntary, must satisfy the four conditions for a relationship to classify as a fiduciary relationship. In each of the four principles, the emphasis is on trust, reliance, the fiduciary's superior power or dominant position and corresponding dependence of the beneficiary on the fiduciary which imposes responsibility on the fiduciary to act in good faith and for the benefit of and to protect the beneficiary and not oneself….. What would distinguish non-fiduciary relationship from fiduciary relationship or an act is the requirement of trust reposed, higher standard of good faith and

honesty required on the part of the fiduciary with reference to a particular transaction(s) due to moral, personal or statutory responsibility of the fiduciary as compared to the beneficiary, resulting in dependence of the beneficiary."

In view of the statutory framework governing NeSL, it is observed that there is a fiduciary angle to the relationship between the Board and NeSL. Since no larger public interest has been shown to outweigh the scope of exemption, the information sought by the Appellant is exempted from disclosure under Section 8(1)(e) of the RTI Act.

7. In view of the aforesaid observations, the reply of the CPIO does not merit any interference.

8. These Appeals are, accordingly, disposed of.

Sd/-
(Shiv Anant Shankar)
First Appellate Authority

Copy to:
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