

**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: 14th 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/23/00097, ISBBI/A/E/23/00098**

IN THE MATTER OF

Kairav Anil Trivedi

... 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 instant Appeals Nos. ISBBI/A/E/23/00097/ISBBI/A/E/23/00098 dated 30th June 2025 and 1st July 2025 respectively, challenging the communication of the Respondent, under the Right to Information Act, 2005 (RTI Act). Since the Appeals required analysis of different provisions of the RTI Act, same is disposed of within 45 days as required under Section 19(6) of the RTI Act *vide* common order.
 2. With regard to RTI Appeal No. ISBBI/A/E/23/00097, the Appellant had requested the following information, “*Ref :- E mail to IBBI of the Additional Affidavit of COC on 12.11.24 along with attachments Sub:- Kindly share the document proof of consideration by IBBI of this additional affidavit of COC E mailed to IBBI on 12.11.24 before concluding its findings in the DC order dt21.03.25 issued relating to Prince MFG Industries Ltd for Kairav Trivedi. 1. The copy of the Internal records of the action taken by IBBI after receipt of this E mail dt 12.11.24 to IBBI. 2. Copy of the Internal records of IBBI which documents that this E mail dt 12.11.24 of COC being shared with the DC before the DC hearing on 20.12.24. 3. Copy of the Internal records of IBBI including copy of the Prima facie Opinion formed by the Board after receipt of this additional affidavit of COC to IBBI on 12.11.24 and before the DC hearing on 20.12.24. 4. Copy of the Internal records of IBBI based on which the DC has concluded the nature and seriousness of the alleged contraventions after receipt of the E mail of this COC Affidavit to IBBI on 12.11.24 and before the DC hearing on 20.12.24. 5. Copy of the Internal records of IBBI which documents the basis on which the DC has concluded whether it was deliberate, reckless or negligent on the part of the notice, after receipt of this E mail of the COC Affidavit to IBBI on 12.11.24 and before the DC hearing on 20.12.24. 6. Copy of the Internal records based on which the DC has concluded the consequences and impact of the alleged contravention, after receipt of the E mail of this COC Affidavit to IBBI on 12.11.24. 7. Copy of the Internal records based on which the DC has concluded the unfair advantage gained by the notice as a result of the alleged contravention, if any after receipt of the E mail of the COC Affidavit to IBBI on 12.11.24. 8. Copy of the Internal records based on which the DC has concluded loss caused, or likely to be caused, to stakeholders or any other person as a result of the alleged contravention, after receipt of the E mail of the COC Affidavit to IBBI on 12.11.24. 9. Copy of Inter records of IBBI which Documents that IBBI has considered this affidavit of the COC emailed to IBBI on 12.11.24 before the DC hearing on 20.12.24.*” In its reply dated 03.06.2025, the CPIO Respondent has stated the following, “*The referred DC Order is a speaking order and the reasons for the findings are mentioned therein. The information asked by the applicant is in the nature of seeking explanation on the findings of the DC which is not covered under the ambit of definition of*

'information' under section 2(f) of the RTI Act, 2005.' Aggrieved with the reply, the Appellant has filed the instant Appeal stating the following, *"First appeal against RTI Ref No. ISBBI/R/E/25/00154 This appeal has been filed as the CPIO Mr. Rajesh Kumar has failed to share the specific documents as mandated in the regulation 7 of The Insolvency and Bankruptcy Code, 2016 IBBI (Insolvency Professionals) Regulations, 2016 by use of the words SHALL and thus these documents being the basis on which the DC has concluded, need to be shared with the IP before the disposal of the Notice by the DC (a) Copy of the Documentary evidence with IBBI which records the adherence by the DC, ensuring that the mandatory Principles of Natural justice have been followed before disposing off the show cause notice. (b) Copy of all the Submissions made by the Insolvency Professionals including all e-mails sent by the Insolvency Professional to IBBI which have been considered by the Disciplinary Committee of IBBI before passing the DC order. (c) Copy of all the Documents with IBBI which have been considered as relevant materials facts and circumstances based on which the Show cause notice has been disposed off by the Disciplinary committee. (d) Copy of all the MATERIAL RECORDS with IBBI which have been considered by the DC before disposing off the Show Cause notice. Thus, this said information asked by the applicant is the requirements as mandated u/r (7) of the IBBI (Insolvency Professionals) Regulation 2016. Regulation 7 which mandates that the Disciplinary Committee shall dispose of the showcase notice assigned under sub regulation (5) by a reason order in adherence to (a) the principles of natural justice, and (b) after considering the submissions, if any, made by the insolvency professional, (c) the relevant material and facts and circumstances and (d) Materials on Record. Thus It is clarified that the RTI is not for seeking explanation on the findings of the DC but this RTI request is for sharing the complete set of Documents with IBBI including a) Material Records with IBBI, b) Documents submitted by the IP used by the DC while disposing off this SCN and c) Documents considered as Relevant material facts and circumstances based on which the DC has disposed of this SCN and d) documents which records that the principles of natural Justice have been followed by the DC while disposing off this SCN. As mandated Regulations 7 of The Insolvency and Bankruptcy Code, 2016 IBBI (Insolvency Professionals) Regulations, 2016, Substituted by IBBI (Insolvency professional) (Amendment) Regulations 2022 vide Notification No. IBBI/202223/GN/REG088 dated 4th July 2022, w.e.f 04.07.2022 and reproduced below for reference."*

3. With regard to RTI Appeal No. ISBBI/A/E/23/00098, the Appellant had requested the following information, *"Ref :- E mail to IBBI of the Additional Affidavit of COC on 12.11.24 along with attachments Sub:- Kindly share the document proof of consideration by IBBI of this additional affidavit of COC E mailed to IBBI on 12.11.24 and compared it with the Conclusions and findings in the DC order dt 23.05.23 issued relating to Prince MFG Industries for Kairav Trivedi. 1. The copy of the Internal records of the action taken by IBBI after receipt of this E mail dt 12.11.24 to IBBI. 2. Copy of the internal records which documents that IBBI has examined this additional affidavit of COC and compared its with its own findings and conclusions in its DC order dt 23.05.23. 3. The Copy of the Internal records of the conclusion drawn by IBBI including Opinions formed after receipt of this email in relation to its findings concluded by IBBI in DC order dt 23.05.23. In its reply dated 03.06.2025, the CPIO Respondent has stated the following, "The referred DC Order is a speaking order and the reasons for the findings are mentioned therein. The information asked by the applicant is in the nature of seeking explanation on the findings of the DC which is not covered under the ambit of definition of 'information' under section 2(f) of the RTI Act, 2005."* Aggrieved with the reply, the Appellant has filed the instant Appeal stating the following, *"First appeal against RTI Ref No. ISBBI/R/E/25/00155 There are multiple SCN issued by IBBI which has reference to the earlier DC order dt 23/05/23 and the earlier SCN COMP11011/47/2022 IBBI/726/363 dated 21st March 2023 even when these facts on records are contrary to these allegations as re iterated by affidavit by COC to NCLAT dt 26/07/24 as emailed to IBBI on 12/11/24. This appeal has been filed as the CPIO Mr. Rajesh Kumar has failed to share the specific documents as mandated in the regulation 7 of The Insolvency and Bankruptcy Code, 2016 IBBI (Insolvency Professionals) Regulations, 2016 by use of the words SHALL and thus these documents being the basis on which the DC is required to concluded, need to be shared with the IP before the disposal of the Notice by the IBBI: (a) Copy of the Documentary evidence with IBBI which records the adherence by the*

IBBI, ensuring that the mandatory Principles of Natural justice have been followed before disposing off the show cause notice. (b) Copy of all the Submissions made by the Insolvency Professionals including all e mails sent by the Insolvency Professional to IBBI which have been considered by the Disciplinary Committee of IBBI before disposing the SCN. (c) Copy of all the Documents with IBBI which have been considered as relevant materials facts and circumstances based on which the Show cause notice has been disposed off by the Disciplinary committee. (d) Copy of all the MATERIAL RECORDS with IBBI which have been considered by the IBBI before disposing off the Show Cause notice. Thus, this said information asked by the applicant is the requirements as mandated u/r (7) of the IBBI (Insolvency Professionals) Regulation 2016. Regulation 7 which mandates that the Disciplinary Committee SHALL dispose of the showcase notice assigned under sub regulation (5) by a reason order in adherence to (a) the principles of natural justice, and (b) after considering the submissions, if any, made by the insolvency professional, (c) the relevant material and facts and circumstances and (d) Materials on Record. Thus It is clarified that the RTI is not for seeking explanation on the findings of the DC but this RTI request is for sharing the complete set of Documents with IBBI including a) Material Records with IBBI, b) Documents submitted by the IP used by the DC while disposing off this SCN and c) Documents considered as Relevant material facts and circumstances based on which the DC has disposed off this SCN and d) documents which records that the principles of natural Justice have been followed by the DC while disposing off this SCN. As mandated Regulations 7 of The Insolvency and Bankruptcy Code, 2016 IBBI (Insolvency Professionals) Regulations, 2016, Substituted by IBBI (Insolvency professional) (Amendment) Regulations 2022 vide Notification No. IBBI/202223/GN/REG088 dated 4th July 2022, w.e.f. 04.07.2022 and reproduced below for reference.”

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. 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. With regard to RTI Appeal No. ISBBI/A/E/23/00097, I note that the Appellant has sought records under the IBBI (Insolvency Professionals) Regulations, 2016. On careful perusal of the instant Appeal, it can be fairly concluded that the nature of the information/records/documents as sought by the Appellant falls under Regulation 7 of the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017. It is pertinent to note that the queries raised in the impugned Appeal have been raised by the Appellant on the previous occasion in RTI Appeal no. ISBBI/A/E/25/00084 filed on 3rd May 2025. The First Appellate Authority (FAA), vide orders dated 16.06.2025 & 17.07.2025, has comprehensively dealt and disposed of the queries raised in the instant Appeal. Moreover, the file notings delineating the consideration of records/documents by the Board in arriving at its conclusion have been previously supplied to the Appellant by the CPIO Respondent vide RTI No. ISBBI/R/E/25/00142 sent on 20th May 2025.
6. With regard to RTI Appeal No. ISBBI/A/E/23/00098, I note that the Appellant has sought records under the IBBI (Insolvency Professionals) Regulations, 2016. However, it can be fairly concluded that the nature of the information/records/documents as sought by the Appellant

falls under Regulation 7 of the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017. It is pertinent to note that the queries raised in the impugned Appeal have been raised by the Appellant on the previous occasion in RTI Appeal no. ISBBI/A/E/25/00094 filed on 18th June 2025. The First Appellate Authority (FAA), *vide* order dated 22.07.2025, has comprehensively dealt and disposed of the queries raised in the instant Appeal. Moreover, the file notings delineating the consideration of records/documents by the Board in arriving at its conclusion have been previously supplied to the Appellant by the CPIO Respondent *vide* RTI No. ISBBI/R/E/25/00138 sent on 20 May 2025.

7. In addition to the aforesaid, I hold that the information asked by the Appellant is in the nature of seeking clarifications/interpretations on the findings of the DC is not covered under the ambit of definition of 'information' under section 2(f) of the RTI Act, 2005. Since the information as "*held by or under the control of any public authority*" under Section 2(j) of the RTI Act has been provided to the Appellant, the CPIO is not obligated to resolve queries or draw conclusions from the documents as supplied to the Appellant, under the RTI Act. It is pertinent to note that the Government of India, *vide* O.M dated 10.07.2008 titled "*Clarification regarding format in which the information should be supplied under RTI Act, 2005*" has observed as follows, "*The PIO is required to supply such material to the citizen who seek it. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to supply the 'material' in the form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.*"
8. 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.
9. 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.

10. In view of the foregoing, the replies of the CPIO does not warrant my interference.

11. The Appeal is, 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, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110001.