

**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: 22nd 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/25/00062**

IN THE MATTER OF

Dhananjay Krishnanath Gaikwad

... 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 Appeal dated 17th March 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). Since the Appeal required detailed analysis of different provisions of the RTI Act, same is disposed within 45 days of receipt of the impugned Appeal.
 2. The Appellant had sought copies of the office notings and the order passed in lieu of a complaint filed by the Appellant against the ICSI Institute of Insolvency Professionals, which was sent to the Chairperson, IBBI on 6th January 2025. The Respondent CPIO has replied that the subject matter of the complaint is under examination. 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.
 3. 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
 4. In this regard, I note that the Appellant had filed the RTI application on 14th February 2025, which was disposed of by the Respondent CPIO on 11th April 2025. The deadline to dispose of the impugned RTI Application expired on 16th March 2025. Thus, the application has been disposed beyond thirty days of its receipt by the Respondent CPIO,

which violates the timeline enshrined under Section 7 of the RTI Act. Being CPIO of Public Authority like IBBI, the Respondent should be sensitive to timelines and disposal of information request. I would, therefore, encourage and urge the Respondent to consider the requirements of law while dealing with information requests under the RTI Act and dispose of RTI applications within the prescribed time. Since the Application has been disposed of by the Respondent satisfactorily, it does not warrant our further interference.

5. The Appeal is, accordingly, disposed of.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

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