

**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: 18th 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/23/000102**

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

-
1. The Appellant has filed the instant Appeal dated 8th July 2025, challenging the communication of the Respondent, under the Right to Information Act, 2005 (RTI Act). Since the Appeal 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.
 2. The Appellant had requested the following information, “Ref- Show Cause Notice no IBBI /C/ 2023 /811/1442 dt 26th October 2023 and DC, order dt 17/12/24 in the matter of Parenteral Drugs India Ltd. Please share the Internal records of IBBI of having considered the preliminary issue of Maintainability of the Show Cause Notice no IBBI /C/ 2023 /811/1442 dt 26th October 2023 raised vide e mail dt 02/02/24 addressed to Mr Keshav Kr. Girdhari before passing of the DC order dt 17/12/24 in the matter of Parenteral Drugs India Ltd.” The CPIO Respondent has replied in the following words, “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.” The Appellant has filed the present Appeal stating the following, “First appeal against RTI Ref No. ISBBI/R/E/25/001481. The reply to RTI no SBBI/R/E/25/00148, date 02/06/2025 states that, “The Referred DC Order is a speaking order and the Reasons for the finding are mentioned therein. The information asked by the applicant is in the nature of seeking explanation on the finding of the DC which is not covered under the ambit of definition of information under section 2(f) of the RTI Act, 2005. Unquote2. We have made a specific request our RTIISBBI/R/E/25/00148 but this reply to RTI, is not only Incomplete but Misleading and completely False thereby this reply to RTI intentionally fails to share the following documents as specifically requested in RTI. Our request to share: The records which documents that IBBI of having considered the preliminary issue of Maintainability of the Show Cause Notice no IBBI /C/ 2023 /811/1442 dt 26th October 2023 raised vide email dt 02/02/24 addressed to Mr Keshav Kr. Girdhari before passing of the DC order dt 17/12/24 in the matter of Parenteral Drugs India Ltd 3. Thus this RTI specifically requests for the records and documents Based on which the Show Cause Notice no IBBI /C/ 2023 /811/1442 dt 26th October 2023 has been issued by IBBI as mandated u/s Regulation 12 (2) of IBBI (Inspection & Investigation) Regulation which mandates that the Board shall take into account, but not limited the that i. The unfair advantage gained by the Notice as a result of the alleged contravention. ii. The loss caused, or likely to be caused, to stakeholders or any other person as a result of the alleged contravention. iii. The nature and seriousness of the alleged Contravention including whether it was deliberate, reckless, or negligent on the part of the notice. 4. Documentary evidence on records with IBBI which reflects

independent application of mind by the board as mandated u/r 11(2) based on which the SCN IBBI/C/2023 /811/1442 dt 26th October 2023 has been issued. The above Exfacie the show cause notice is premised on the allegations raised by the bank & the findings of the adjudicating authority putting it pithily the mandate of Regulation 11 (2) of IBBI (Inspection & Investigation) Regulation, which requires independent application of mind by the board is not featuring in the show cause notice issued to me; a) Thus given the binding precedent of Illam Chand Kamboj Vs. M/s ANG Industries Ltd.[CA (AT) (Ins) No. 253/2019 and L.A. No. 995/2019 which is extracted from the publication of IBBI in The Quarterly Newsletter of IBBI in July September, 2019 Vol. 12 In the circumstances the show cause notice issued to me be withdrawn as Prima face Not maintainable b) Further relying upon the ruling of Hon'ble Supreme Court in Securities & Exchange Board of India v. Mangalore Stock Exchange, (2005) 10 SCC274, it is thus the mandate of law to decide upon the preliminary issues of maintainability stated supra in precedence.”

3. 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.
4. In the impugned RTI Application, I note that the Appellant had sought internal records of IBBI which reflect consideration of the issue of maintainability of the SCN against the Appellant. However, the Appellant has sought fresh information pertaining to compliance of regulation 11(2) & 12 (2) of the IBBI (Inspection and Investigation) Regulations, 2017 by IBBI, while disposing of the SCN No. IBBI/C/2023/00913/811/1442 dated 26.10.2023, in the DC Order dated 17.12.2024 against the Appellant. Since the Appellant has raised certain queries in the Appeal which were not part of the original RTI application ISBBI/R/E/25/00148 dated 05.05.2025, these constitute fresh requests for information under Section 6(1) of the RTI Act and consequently, cannot be adjudicated in the present appeal. Thus, the Appellant may file a separate RTI application along with the prescribed application fee for the same. Hence, the present appeal shall be decided only on the issues arising out of the original RTI application and the CPIO’s reply.
5. With regard to information seeking consideration of maintainability of SCN, I hold that the information asked by the Appellant is in the nature of seeking clarification/interpretation 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. 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.”. Moreover, the relevant records have been provided by the CPIO to the Appellant vide ISBBI/R/E/25/00139 dated 20.05.2025.

6. 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.
7. 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.
8. In view of the foregoing, the replies of the CPIO does not warrant my interference.
9. 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.