

**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/25/00061**

IN THE MATTER OF

Arvind Mangla

... 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 9th March 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). As the Appeal required detailed analysis of different provisions of the RTI Act, the same is disposed of within 45 days of receipt of the impugned Appeal.
 2. The Appellant had sought information, in a specified tabular format, of cases where the amounts realized by the Liquidator exceeded the amount of claims filed during the liquidation process till 2024. The Respondent CPIO has replied that the information pertaining to the corporate liquidation account is not maintained in the manner as sought by the Appellant. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought since the same is filed by the liquidators with the IBBI as part of their procedural compliance. Moreover, the Appellant sought imposition of a penalty on the Respondent CPIO for wrongful suppression of information as sought by the Appellant.
 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 CPIO, under the RTI Act, is required to furnish information/documents as available on record. He is not supposed to collect and collate

information in the manner in which it was sought by the Appellant. The Hon'ble Supreme Court in decision dated 09th August, 2011 in the matter of *CBSE & Anr. Vs. Aditya Bandopadhyay & Ors.* (C.A. No. 6454 of 2011) held that, “... But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant..... 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 prioritizing information furnishing, at the cost of their normal and regular duties”. Moreover, the matter has been further clarified by the Division Bench of Hon'ble Delhi High Court in its decision in *The Registrar of Supreme Court of India vs Commodore Lokesh K Batra & Ors.* dated 07th January 2016 (LPA 24/2015 & CM No. 965/2015) wherein it was held that, “On a combined reading of Section 4(1)(a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, “right to information” under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant.”

5. It is pertinent to refer to Section 7(9) of the RTI Act, which provides that, “An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question”. In my view, the format in which the information is sought by the Appellant will disproportionately divert the resources of the IBBI. Moreover, no larger public interest warrants for a direction to collate and compile the details of information and to provide the same to the Appellant in the manner as he desires. Such exercise would defeat ‘the practical regime of right to information’ as envisaged in the preamble of the RTI Act and would disproportionately divert the resources of IBBI. I note that the Hon'ble CIC in the matter of *Shri Praveen Agarwal Vs. SEBI* (Order dated October 1, 2008) held that, “It is true that given the volume and the complexity of the information requested by the appellant, it would be impossible to locate and collate it without substantial research effort. A public authority cannot be obliged to engage in it for the benefit of an applicant, who may not be the only and, the last such applicant. Many more would want to have this privilege which doubtless would lessen the applicant's research burden while increasing it for the public authority.” In view of the aforesaid, I do not find any reason to interfere with the response of the Respondent or impose any penalty on the Respondent CPIO, as sought by the Appellant.
6. The Appeal is, accordingly, disposed of.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

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