

**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: 15th 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/25/00042, ISBBI/A/E/25/00043,
ISBBI/A/E/25/00044, ISBBI/A/E/25/00045, ISBBI/A/E/25/00046,
ISBBI/A/E/25/00047, ISBBI/A/E/25/00048, ISBBI/A/E/25/00049,
ISBBI/A/E/25/00050, ISBBI/A/E/25/00051, ISBBI/A/E/25/00052,
ISBBI/A/E/25/00053, ISBBI/A/E/25/00054, ISBBI/A/E/25/00055,
ISBBI/A/E/25/00056**

IN THE MATTER OF

Shashi Agarwal

... 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, challenging the communication of the Respondent filed under the Right to Information Act (RTI Act). The appeals required detailed analysis and accordingly have taken time in disposal. Also, as the Appeals pertain to similar subject matter, same are disposed *vide* a common order.
 2. With regard to RTI Appeal No. ISBBI/A/E/25/00042, the Appellant sought copies of documents, authorization which were relied by the IBBI in making the telephonic conversation to the present Appellant. The Respondent CPIO, *inter-alia*, replied that such information is not available with them. 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 and denial of information tantamount to failure of IBBI to discharge its regulatory duties.
 3. With regard to RTI Appeal No. ISBBI/A/E/25/00043, the Appellant, *inter-alia*, has sought details on any action undertaken by the IBBI in lieu of the Order passed by the Delhi High Court dated 29.04.2013. Moreover, the Appellant sought details on action undertaken by the IBBI in regard to the emails sent by the Appellant to Kamala Mills and Fasqua Investments. The Respondent CPIO, *inter-alia*, has replied that information sought has already been supplied to the Appellant and other information is not available on record. 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 and denial of information tantamount to failure to discharge its regulatory duties.
 4. With regard to RTI Appeal No. ISBBI/A/E/25/00044, the Appellant sought details on how the DC Order dated 1st May 2022 has considered the judgment of the NCLT Kolkata bench dated 20th November 2019. The Respondent CPIO has replied that such information is in the nature of a challenge against the DC Order and does not constitute as information within the meaning of the RTI Act. 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 and denial of information undermines the principles of transparency and accountability.

5. With regard to RTI Appeal No. ISBBI/A/E/25/00045, the Appellant sought of the complaint filed against the Appellant. The Respondent CPIO has replied that information pertaining to that specific complaint is not available with them. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
6. With regard to RTI Appeal No. ISBBI/A/E/25/00046, the Appellant sought notings pertaining to File No. LA/13011/3/2022 and inspection of records pertaining to the File. The Respondent CPIO has provided the requested Notings and denied inspection of records pertaining to the aforesaid File. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
7. With regard to RTI Appeal No. ISBBI/A/E/25/00047, the Appellant sought a soft copy of the reply submitted by the Appellant in the proceedings pertaining to Incab Industries. The Respondent CPIO has replied that such information shall be available with the Appellant itself because it was filed by him. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
8. With regard to RTI Appeal No. ISBBI/A/E/25/00048, the Appellant, *inter-alia*, sought copies of notings/documents pertaining to early hearing fixed of the Appellants' case on 22.02.2022 and 25.02.2022. The Respondent CPIO, *inter-alia*, has replied that such information is not available with them. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
9. With regard to RTI Appeal No. ISBBI/A/E/25/00049, the Appellant sought information pertaining to an affidavit filed by the IBBI in W.PA No 18922 of 2024. The Respondent CPIO has denied the information claiming that the matter is sub-judice before the Hon'ble High Court of Kolkata. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
10. With regard to RTI Appeal No. ISBBI/A/E/25/00050, the Appellant sought information on certain amendments introduced in its Regulations by the IBBI. The Respondent CPIO has, *inter-alia*, has directed the Appellant to the discussion papers hosted on its website. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
11. With regard to RTI Appeal No. ISBBI/A/E/25/00051, the Appellant sought information on the reconstitution of the Disciplinary Committee tasked to adjudicate his case. Moreover, the Appellant sought details of correspondence between Dr. (Ms.) Mukulita Vijayawargiya (ex-

WTM, IBBI) and the IBBI on disposing the matter involving the Appellant. The Respondent CPIO has replied that no such information available with them. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.

12. With regard to RTI Appeal No. ISBBI/A/E/25/00052, the Appellant sought details of unclaimed and unobserved depreciation and business loss for set-off of corporate debtors with approved resolution plans. Moreover, the Appellant sought a list of companies where valuer has assigned value to such aforementioned items. of the complaint filed against the Appellant. The Respondent CPIO has replied that such information is not maintained by the it. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
13. With regard to RTI Appeal No. ISBBI/A/E/25/00053, the Appellant sought documents pertaining to the workmen. The Respondent CPIO has replied that such information has been provided to the Appellant in its previous RTI requests. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
14. With regard to RTI Appeal No. ISBBI/A/E/25/00054 & ISBBI/A/E/25/00055, the Appellant, *inter-alia*, sought records and documents on its response to the SCN issued by the IBBI on 10.09.2021. The Respondent CPIO has replied that information pertaining to SCN has been provided in previous RTI requests and the DC Order dated 13.05.2022 is a speaking order which is hosted on the IBBI's website and contains all the material information pertaining to the impugned request. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
15. With regard to RTI Appeal No. ISBBI/A/E/25/00056, the Appellant sought records/notings wherein the IBBI has affirmed that the constitution of CoC would have undergone change if the Appellant had verified the claims based on documents on record. The Respondent CPIO has replied that information pertaining to SCN has been provided in previous RTI requests and the DC Order dated 13.05.2022 is a speaking order which is hosted on the IBBI's website and contains all the material information pertaining to the impugned request. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has not replied to the information sought within the statutory timeline enshrined under the RTI Act.
16. 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. It is noted that as per section 7(1) of the RTI Act, the CPIO is required to respond within 30 days of the receipt of the request.

17. Upon perusal of the record, it is evident that the Appellant has been repeatedly filing multiple RTI applications seeking substantially similar or overlapping information. This pattern of indiscriminate filing is a blatant abuse of the RTI mechanism and amounts to harassment of the public authority. 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. The Appellant's repeated and excessive demands have resulted in a substantial waste of public resources, time, and effort, thereby impeding the efficiency of the concerned public authority. 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. This deliberate and calculated misuse of the RTI process is unacceptable.
18. The RTI Act was enacted with the primary objective of ensuring transparency and accountability in governance while empowering citizens with the right to access information. However, it is not a license to make repetitive, frivolous, and demands that serve no public interest. The Hon'ble SC and various HC have categorically held that the right to information is not an unqualified right and must be exercised responsibly. The abuse of RTI provisions for obstructing public administration, intimidating officials, or indulging in unnecessary fishing and roving inquiries is contrary to the intent of the legislation. Filing multiple RTI applications with similar content amounts to sheer misuse of the statutory right, and such conduct should be discouraged. The Act is meant to promote transparency, not to paralyze public authorities with voluminous and baseless queries that serve no legitimate purpose. It is reiterated that RTI should be used for seeking information in a *bona fide* manner, not as a tool to intimidate, threaten, or harass public officials through indiscriminate and vexatious applications.
19. 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):
"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 counter-productive 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, tranquility 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."
20. Upon perusal of the RTI applications and submissions made in appeal, it is apparent that the Appellant is aggrieved by the order of the Disciplinary Committee of IBBI and has been persistently seeking information regarding the said order. It must be noted that the Respondent is neither required nor authorized to provide information beyond what is legally

permissible under the RTI Act. Despite this, the Appellant has been persistently raising hypothetical and irrelevant queries that have no basis in law. Furthermore, the Appellant's conduct demonstrates a clear intent to misuse the RTI mechanism by filing repetitive and frivolous applications with the sole aim of harassing the public authority and obstructing due process. Such repeated and baseless filings not only create an unnecessary administrative burden but also hinder the public authority's ability to discharge its statutory duties effectively. This pattern of filing constitutes an egregious abuse of the RTI process.

21. In view of the foregoing, I find no merit in the present appeal, and the same is accordingly Dismissed. Furthermore, the Appellant is strictly warned to refrain from such misuse of the RTI Act in the future. Any further attempts to misuse the RTI framework by submitting indiscriminate or repetitive applications shall be dealt with under applicable laws. The Appellant is reminded that the RTI Act is a tool for ensuring accountability and good governance and should not be used as a means to burden or disrupt public offices with unnecessary demands. Any future violation of the responsible use of RTI shall be viewed seriously and dealt with accordingly.
22. With regard to RTI Appeal No. ISBBI/A/E/25/00042, ISBBI/A/E/25/00043, ISBBI/A/E/25/00044, ISBBI/A/E/25/00045, ISBBI/A/E/25/00046, the Application was received by CPIO on 17th January 2025. With regard to RTI Appeal No. ISBBI/A/E/25/00047, ISBBI/A/E/25/00048, ISBBI/A/E/25/00049, ISBBI/A/E/25/00050, ISBBI/A/E/25/00051, ISBBI/A/E/25/00052, the Applications were received by CPIO on 18th January 2025. The aforementioned Appeals were disposed of on 28th February 2025 *sans* ISBBI/A/E/25/00051, which was disposed of on 3rd March 2025. With regard to ISBBI/A/E/25/00053, the Application was received by the CPIO on 20th January 2025, while RTI Appeal No. ISBBI/A/E/25/00054, ISBBI/A/E/25/00055 & ISBBI/A/E/25/00056 were received on 22nd January 2025. However, the aforesaid Appeals were disposed of on 5th March 2025.
23. However, while strict adherence to statutory timelines is ideal, it is also important to recognize the practical difficulties faced by the Respondent when burdened with an excessive number of RTI applications, as seen in the present case. The repeated filing of multiple, substantially similar, or overlapping applications places an undue strain on limited administrative resources, making it extremely challenging—if not impossible—for the Respondent to respond to each application within the prescribed time limit. Such indiscriminate use of the RTI mechanism not only disrupts the normal functioning of the public authority but also diminishes its ability to focus on legitimate information requests. This, in turn, affects the overall efficiency of the RTI process and diverts valuable time and effort away from other critical public duties. While the RTI Act is a powerful tool for ensuring transparency, it must not be misused in a manner that obstructs the smooth operation of government functions.
24. Therefore, while urging the Respondent to remain sensitive to statutory timelines, I also acknowledge that the excessive filing of RTI applications by the Appellant has significantly contributed to the delay. A balanced approach is necessary to ensure that the right to information is exercised responsibly, without creating an unmanageable administrative burden that defeats the very purpose of the Act.
25. The said appeals, are accordingly, disposed of.

**Sd/
(Kulwant Singh)**

First Appellate Authority

Copy to:

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