

**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: 21st March, 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/00027**

IN THE MATTER OF

Mukesh Kumar Bhardwaj

... 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 16th February 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act).
 2. In the RTI Application, the Appellant had inquired about the status of the corporate insolvency resolution process (CIRP) of Future Supply Chain Solutions Limited (Corporate Debtor) i.e., whether it is ongoing or terminated/closed. Moreover, the Appellant has requested for details of amount disbursed under the Resolution Plan, specifically the timeline for payment of his claim in the form of salary and other pending dues as employee of the Corporate Debtor. The CPIO Respondent has directed the Appellants towards the IBBI website (<https://ibbi.sov.in/en/claims/corporate-personals>) and the NCLT website (<https://nclt.sov.in/>) to track the progress of the CIRP of CD. Aggrieved with the same, the present Appeal has been filed wherein the Appellant has reiterated its request for status of the CIRP and timeline for disbursement of his pending claim.
 3. Before delving into the intricacies of the instant Appeal, it is pertinent to note that the Appellant has approached the present forum beyond the prescribed timeline enshrined under the RTI Act. Section 19(1) of the Act delineates the process of Appeal as follows, “(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within **thirty days** from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority: Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time”. The RTI Application was disposed by the CPIO Respondent on 21.05.2024. Thus, the Appellant was required to file an appeal against the CPIO Reply within 30 days from the receipt of the decision i.e., 20.06.2024. However, the Appellant has filed the present Appeal on 16.02.2025, which is 8 months beyond the deadline to raise an appeal under the Act. Further, the Appellant has shown no sufficient cause to condone such inordinate delay in filing the impugned Appeal. Accordingly, the appeal is liable to be dismissed on this ground.

4. However, I am examining the present Appeal in the interests of fairness and transparency, which are the paramount objectives of the RTI Act. Accordingly, 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.

5. With regard to the status of the CIRP of CD, it is pertinent to note that that the same is available in public domain on the website of the IBBI / NCLT and can be easily accessed by the Appellant from the links provided to him by the Respondent. It is relevant to refer to the decision of Hon'ble CIC in *Shri Girish Prasad Gupta vs. CPIO, Indian Oil Corporation* (decided on March 30, 2015), wherein it has held that:- *"... we note that the information that is placed by a public authority on its website is already available in the public domain and is, therefore, not under the control of the public authority. It can be obtained by any interested person by consulting the relevant website. If public authorities are required to provide hard copies of the information, already available on their website as part of suo motu disclosure, such suo motu disclosure will become futile, because the very purpose of such disclosure is to ensure that applicants do not have to approach public authorities to get a good deal of information already placed by them on their website."* Moreover, the Hon'ble Delhi High Court in its decision dated 01/06/2012, in the matter of *Registrar of Companies & Ors. vs. Dharmendra Kumar Garg & Anr. W.P.(C) 11271/2009* while setting aside the Commission's decision [file no. *CIC/SG/C/2009/000702/4128 Dharmendra Kumar Garg vs. Registrar of Companies*] cited by the applicant has held as under:
"From the above, it appears that the expression "held by" or "under the control of any public authority", in relation to "information", means that information which is held by the public authority under its control to the exclusion of others. It cannot mean that information which the public authority has already "let go", i.e. shared generally with the citizens, and also that information, in respect of which there is a statutory mechanism evolved, (independent of the RTI Act) which obliges the public authority to share the same with the citizenry by following the prescribed procedure, and upon fulfillment of the prescribed conditions. This is so, because in respect of such information, which the public authority is statutorily obliged to disseminate, it cannot be said that the public authority "holds" or "controls" the same. There is no exclusivity in such holding or control. In fact, the control vests in the seeker of the information who has only to operate the statutorily prescribed mechanism to access the information. It is not this kind of information, which appears to fall within the meaning of the expression "right to information", as the information in relation to which the "right to information" is specifically conferred by the RTI Act is that information which "is held by or under the control of any public authority".

6. Secondly, the Appellant has requested for the timeline within which his admitted amount under the Plan shall be paid to him. Such request is certainly an inquisition to solicit a response for an answer rather than any 'information' within the scope and ambit of section 2(f) of RTI Act. This Act does not create obligation on the public authority to answer queries eliciting answers to questions. In this regard, it is relevant to refer to the Order dated April 21, 2006, of the Hon'ble CIC in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr.*, wherein it was observed that: *"the RTI Act does not cast on the public authority any obligation to answer queries in which*

a petitioner attempts to elicit answers to his questions with prefixes, such as, 'why', 'what', 'when' and 'whether'. The petitioner's right extends only to seeking information as defined in section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority."

7. In view of the aforesaid discussions, the instant Appeal is found bereft of merit and does not warrant our interference with the reply of the Respondent.
8. This Appeal is, accordingly, disposed of.

Sd/
(Kulwant Singh)
First Appellate Authority

Copy to:

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