

**BEFORE THE EXECUTIVE DIRECTOR AND FIRST APPELLATE AUTHORITY  
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market,  
Connaught Circus, New Delhi -110001

**Dated: 18<sup>th</sup> June 2025**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI  
Appeals Registration No. ISBBI/A/E/25/00085 & ISBBI/A/E/25/00086**

**IN THE MATTER OF**

**Jitendar Sood**

...Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India

7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market,

Connaught Circus, New Delhi -110001

... Respondent

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1. The Appellant has filed the present Appeals dated 4<sup>th</sup> May 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). As the Appeals required detailed analysis, these Appeals are being disposed of within 45 days.
  2. With regard to Appeal No. ISBBI/A/E/25/00085, the Appellant had sought the following information in the impugned RTI application –  
*“There is a project which is under CIRP process. This project consists of two parts: - 1. Towers delivered to home buyers on fit out basis whose OC issued by Noida Authority, but registry is pending and maintenance charges collected by RP from delivered towers. 2. Undelivered Towers which are still under construction. Please provide information on the following: - 1. Relevant code/ clause in IBC under which Delivered towers functioning and maintenance can be separated in different class from CIRP process and undelivered towers in separate Class and its coverage can be dealt in COC. 2. Please provide information on relevant IBC Code/ Clause to manage Delivered Towers and Undelivered towers in CIRP and relevant IBC Code/ Clause on funds to be allocated by RP in CIRP for delivered towers and undelivered towers as per IBC. 3. Transfer charges for sale of delivered and undelivered flats are being collected by RP. So please provide the following information: - A) Provide relevant IBC code/ clause which permits to collect transfer charges for sale of flats which are delivered and undelivered for project under CIRP. B) Provide relevant IBC Code/ Clause for fund allocation of transfer charges. C) Provide relevant IBC code / Clause for action if the collection of transfer charges is not permissible.”* The Respondent has replied stating that the information sought is in the nature of seeking opinion which is not covered within the definition of ‘information’ under section 2(f) of the RTI Act. Aggrieved by the same, the Appellant has filed the present Appeal stating that the CPIO Respondent has wrongly denied the information.
  3. With regard to Appeal No. ISBBI/A/E/25/00086, the Appellant had sought the following information in the impugned RTI application –  
*“Right of COC voting for home buyers have been curtailed to Zero in CIRP. Home buyers have been given fit out possession but their registry is pending in CIRP process. They have filed claim for full value but their COC voting rights have been reduced to Zero by RP Please provide the following information: - 1. Provide relevant IBC code or clause under which above allocation is done by RP and COC rights made Zero for delivered but unregistered flats 2. Provide information on relevant IBC Code/ Clause for*

*restoration of COC rights of home buyers whose rights have been nullified. 3) Provide relevant IBC Code/ Clause for taking action against RP for such action. You are requested to provide information at earliest.”* Regarding this also, the Respondent has replied stating that the information sought is in the nature of seeking opinion which is not covered within the definition of ‘information’ under section 2(f) of the RTI Act. Aggrieved by the same, the Appellant has filed the present Appeal stating that the CPIO Respondent has wrongly denied the information sought

4. 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.*” 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 impugned RTI Appeals, I note that the information as sought by the Appellant are in the nature of seeking opinions of Respondent on different provisions of Insolvency and Bankruptcy Code, 2016 and rules / regulations, made thereunder. In my view, this is beyond the ambit of ‘information’ under section 2(f) of the RTI Act. The CPIO must provide only such information as “*held*” by the public authority. He is under no obligation to collate information or furnish his opinion in response to the queries as sought by the Appellant. In this context, I note that Hon’ble Supreme Court of India in its judgment dated August 9, 2011 in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors.* had observed that: “...A public authority is “*...not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.*”
6. The Appeals are, accordingly, disposed of.

**Sd/-**  
**(Kulwant Singh)**  
First Appellate Authority

**Copy to:**

1. Appellant, Jitendar Sood.
2. CPIO, The Insolvency and Bankruptcy Board of India, 7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110001.