

**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: 25th September 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/000113**

IN THE MATTER OF

Kuldeep Jain

... 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 28th August 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act).
 2. In the RTI Application, the Appellant had stated the following: -

“Hi, I am a plot buyer from Orior Developer and Infrastructure Limited. This company is undergoing insolvency proceedings and now corporate debtor has submitted a proposal under clause 12A of the IBC Act. Please let me know: 1. Should the Resolution Professional vet and review the proposal submitted by the corporate debtor on grounds of viability, legality, and to ensure the interest of the plot buyers before the plot buyers vote on the proposal? 2. Should the Authorized Representative vet and review the proposal submitted by the corporate debtor on grounds of viability, legality, and to ensure the interest of the plot buyers before the plot buyers vote on the proposal? 3. What should be the role of the Resolution Professional and Authorized Representative as per IBBI mandated or suggested or directed professional code of conduct for Insolvency Professionals to protect the interests of plot buyers, in case corporate debtor submits proposal under clause 12A of IBC Act?”

The CPIO has replied that queries of the Appellant are in the nature of seeking opinion/explanation, which are beyond the scope of information under Section 2(f) of the RTI Act. Aggrieved with the reply, the Appellant has filed the present Appeal stating that the CPIO has wrongly denied the information sought.

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. 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 Appeal, the Appellant has sought advice from the Board pertaining to the proposal of the corporate debtor, Orior Developers & Infrastructure Private Limited, to withdraw the insolvency resolution process under Section 12A of the Code. Thus, the information sought is in the nature of seeking professional advice/opinion, which is beyond the ambit of information under Section 2(f) of the RTI Act.
5. The Hon'ble CIC in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr* ((Appeal no. CIC/AT/A/2006/00045 dated 21.04.2006), has 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.*" It is also relevant to mention that the Hon'ble Supreme Court of India, in *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.* [2011 (8) SCC 497] inter alia, held that:

"A public authority is also not required to furnish information which require drawing of inferences and/ or making of assumptions. It is also 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..."

6. In view of the aforesaid, the reply of the CPIO does not warrant any interference.
7. This Appeal is, accordingly, disposed of.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

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