

**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: 02nd June 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/00081 & ISBBI/A/E/25/00082**

IN THE MATTER OF

Jitender Kumar 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 Appeals dated 29th April 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). Since the Appeals required detailed analysis of different provisions of the RTI Act, same are disposed of within 45 days.
 2. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00081, the Appellant had sought information on the procedure to secure appointment with the Chairperson of IBBI, Mr. Ravi Mittal. Moreover, the Appellant also sought details of appointments given to various people by IBBI to meet the IBBI Chairperson. With respect to first query, the Respondent CPIO has provided a phone number 011-2362900 for securing an appointment. With regard to second query, the Respondent as replied that the said information is not available. Aggrieved by the same, the Appellant has filed the present Appeal stating that the *“CPIO has provided wrong number (seven digit number) to take appointment from IBBI Chairperson in reply to first query. In reply to second query, it is submitted that each government organisation maintains a register of visitors wherein the name of visitor is recorded. I assume IBBI has similar procedure. Thus, CPIO has deliberately refused to provide the second information, i.e., Please provide the details of appointments given to various people by IBBI to meet IBBI Chairperson Mr. Ravi Mittal.”*
 3. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00082, the Appellant had sought information on the entitlement of overtime pay of IBBI's employees / official / workers under its relevant regulations framed under the Code. Also, he has asked for details of overtime paid in last 8 years in per year to each category of employees / officials / workers of IBBI. With regard to first query, the Respondent CPIO has directed the Appellant to the IBBI (Employees Services) Regulations, 2017. With regard to second query, the Respondent CPIO has stated that the said information is not available. Aggrieved by the same, the Respondent has stated that *“I have asked simple questions for which a vague reply is given and then requisite information is not provided. Reply must be simple and should not lead to searching document / information by the applicant. The question whether overtime is paid and not. If paid to which category of employees, it is paid. It is unclear as to how one can find answer to these questions in regulations / rules referred by CPIO”*.

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.*" 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 RTI Appeal Registration No. ISBBI/A/E/25/00081, I note that the phone number provided by the CPIO Respondent is of seven digits. It appears that the Respondent has mistakenly given the seven digit number "011-2362900", instead of the eight digit number "011-23462900". In this regard, the Respondent is advised to be extremely careful while responding to the queries under the RTI Act. With respect to the details of appointments given to the people by IBBI to meet Chairperson, IBBI, I note that the Respondent has stated that the information is not available. The Respondent is expected to provide information as available on record. He cannot be expected to create and provide any other information which could be assumed or imagined by the information seeker. The Hon'ble CIC in *M Jameel Basha vs. CPIO, Ministry of Personnel Public Grievances & Pension, Department of Personnel & Training, North Block, New Delhi -110001, File No: CIC/MPERS/A/2017/158527/SD* (Decision dated 06.05.2019), has observed that:

"Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarity/deduct information in respect of queries/clarifications. Similarly, redressal of grievance, non-compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act."

Further, even if the information would have been available, same is in the nature of personal information of individuals who come and meet Chairperson, IBBI. Disclosure of such information could cause unwarranted invasion on privacy of such individuals and the same is falls within the scope of exemption provided under section 8(1)(j) of RTI Act.

6. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00082, the Appellant has stated that it is unclear as to how one can find answer to these questions in regulations / rules referred by CPIO. In this regard, I note that the sole mandate of the RTI Act is to provide information as "*held*" under section 2(f) of the RTI Act. The Respondent is expected to provide information as available on records, and not create a new information. The terms and condition of employees / officials / workers of IBBI is provided in IBBI (Employees' Service) Regulations, 2017 and IBBI (Engagement of Research Associates and Consultants) Regulations, 2017, read with the Insolvency and Bankruptcy Code, 2016. These are publicly available information. The Respondent cannot be expected to read through these regulations and provide an answer to the queries of the Appellant. Further, with regard the second query, the Respondent has stated that the said information is not available. The CPIO Respondent is not under a statutory obligation to create information,

which otherwise is not available on records. In this regard, the Hon'ble Supreme Court, in *CBSE v. Aditya Bandopadhyay & Ors. Civil Appeal no. 6454 of 2011*, has held as follows,

"At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of Section 3 and the definitions of "information" and "right to information" under clauses (f) and (j) of Section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in Section 8 of the Act. 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."

7. Accordingly, the response of the Respondent does not warrant any interference. The Appeal is, accordingly, disposed of.

Sd/
(Kulwant Singh)
First Appellate Authority

Copy to:

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