

**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 February, 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/00015 & ISBBI/A/E/25/00016**

IN THE MATTER OF

Nimit Kalsi

... 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 18th January 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). As the appeals required detailed analysis of provisions of the RTI Act, same are disposed of within 45 days. Also, as the Appeals pertain to similar subject matter, same are disposed *vide* a common order.
 2. 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.
 3. The request of the Appellant and the reply of the Respondent is as follows –

Information sought	Reply
1) Copy of the application/request made by the inspecting Authority (comprising of Mr C Ramachandra Rao and Mr Deeptanshu – constituted by IBBI vlde. its order dated- 23rd December 2020 for inspecting Mr Nimit Kalsi, insolvency Professional seeking extension of timelines as provided in the Inspection order dated 23rd December 2020 for submission of Draft inspection Report.	The copy of the email seeking extension of time is attached herewith.

2) Copy of the order passed granting extension of timelines to the inspecting authority (comprising of Mr C Ramachandra Rao and Mr Deeptanshu - constituted by IBBI vide order dated 23rd December 2020 for inspecting Mr Nimit Kalsi. insolvency Professional) for submission of Draft inspection report, beyond the timelines specified in the inspection order dated 23rd December 2020.	No such order has been passed
3) Copy of the application/request made by the inspecting Authority (comprising of Mr C Ramachandra Rao and Mr Deeptanshu Singh – constituted by IBBI vide its order dated- 17th November 2021 for inspecting Mr Nimit Kalsi, insolvency Professional seeking extension of timelines as provided in the Inspection order dated 17th November 2021 for submission of Draft inspection Report.	The copy of the email seeking extension of time is attached herewith.
4) Copy of the order passed granting extension of timelines to the inspecting authority (comprising of Mr C Ramachandra Rao and Mr Deeptanshu - constituted by IBBI vide order dated 17th November 2021 for inspecting Mr Nimit Kalsi. insolvency Professional) for submission of Draft inspection report, beyond the timelines specified in the inspection order dated 17th November 2021.	No such order has been passed

4. I have carefully examined the application, the response of the Respondent and the Appeal. Before examining the request, I deem it appropriate to deal with scope of 'information' and right to receive the information under the RTI Act. It is noted that 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."*
5. The aforesaid definition contemplates providing of material in the forms of records, documents, opinions, advice, etc. It does not include giving opinions on issues raised or providing clarifications or advice to inquiries. 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 and which can be disclosed subject to exemptions under section 8 of the RTI Act. 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. It is also clear that the *"right to information"* under section 3 of the RTI Act is circumscribed by RTI Act itself as the right is limited within scope of 'information' as defined under section 2(f) and is subject to other provisions including those under section 8 of the Act.
6. 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 the following: *"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/clarify/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."*

7. I also 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 held 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."*
8. Further, the Respondent is expected to provide information as available on record and not create any information. Accordingly, the information as available with CPIO, is already been provided to the Appellant. He cannot provide any other information. Same is beyond the scope of 'right to information' under section 2(j) of the RTI Act which limits the information to one '*accessible*' under the RTI Act and '*which is held by or under the control of any public authority*'. Accordingly, in my view, the information as requested by the Appellant has been disclosed to her under the RTI Act and no further information can be disclosed.
9. This Appeals are accordingly, disposed of.

Sd/
(Kulwant Singh)
First Appellate Authority

Copy to:

1. Appellant, Nimit Kalsi
2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110001.