

**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/25/00012**

IN THE MATTER OF

Hasnain Alvi

... 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 14th January 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). As the Appeal required detailed analysis of different provisions of the RTI Act, this Appeal is being disposed of within 45 days.
 2. The Appellant had requested the following information, *"We need status of complaint and details of actions taken by the IBBI officials in complaint bearing no. COMP11011/ 52/ 2024IBBI filed against Resolution Professional Mr. Soumitra Labiri on 26.07. 2024."* The CPIO had replied that, *"The complaint is under examination"*. Aggrieved by the same, the Appellant has filed the present Appeal stating that, *"The information provided is vague. In RTI, we have specifically asked the status of complaint. But officer has provided information stating that the same is under examination. No information in relation to investigation whether initiated or not is provided, no details of reply filed by the opposite party. By providing an ambiguous response, the public authority has effectively denied my right to obtain clear and complete information as guaranteed under the RTI Act"*.
 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. 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.
 4. In this regard, I note that the Appellant has specifically inquired about the replies filed by the opposite parties and the stage of investigation the complaint has reached i.e., whether action has been initiated or not. Such question, in my view, are in nature of inquisitions soliciting opinion or

advice, and beyond the scope of right to information under the RTI Act. The Respondent is not bound to respond to such inquiries under the RTI Act. Further, 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 also 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/clarify/deduct information in respect of queries/clarifications.*”

5. In addition to the aforesaid, the Appellant has asked for status of complaint and same has been provided. Any grievance regarding the status cannot be addressed under the RTI Act. In view of the above, I am satisfied with the reply of the Respondent and find no need to interfere with its decision. The Appeal is, accordingly, dismissed.

Sd/
(Kulwant Singh)
First Appellate Authority

Copy to:

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