

**WHOLE TIME MEMBER AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 1ST OF AUGUST, 2018

Appeal No. ISBBI/A/2018/00012 (F. No. IBBI/AL/RTI/105/ Nitesh Kumar Soni)
Dated: June 20, 2018

Arising out of Order dated June 13, 2018 under RTI Request No.
ISBBI/R/2018/00012

IN THE MATTER OF

Shri Nitesh Kumar Soni Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan
New Delhi Respondent

ORDER

1. The present Appeal No. ISBBI/A/2018/00012 dated June 20, 2018 received in the office of the First Appellate Authority (**FAA**), Insolvency and Bankruptcy Board of India under the Right to Information Act, 2005 has been preferred by Shri Nitesh Kumar Soni against the order of the CPIO, Mr. Umesh Kumar Sharma, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/00012.
2. On a detailed perusal of the RTI Application of Shri Nitesh Kumar Soni, it is observed that the appellant sought the following information from the Insolvency and Bankruptcy Board of India with reference to recruitment of officer's grade-A, year 2018: -
 - (i) "Copy of online exam paper with given options (typically allotted to me)
 - (ii) Suggested answers key for that paper.
 - (iii) Copy of punch card, keys pressed by me."
3. Having been unsatisfied with the reply by the CPIO, the appellant in the present appeal raised the following grounds in the queries: -

(i) *“since the information demanded by me is relevant to this office as recruitment was done by IBBI through the agency i.e. IBPS & copy of online exam paper, suggest key & punch card (keys pressed by me) must be available with either IBBI or IBPS, hence can be granted.*

(ii) *mere denial is not the proper response to my genuine application”.*

4. The present RTI appeal has been examined and I have perused the response provided by the respondent in respect of the queries raised in the RTI application.
5. In this context, I find that information in respect of the specific query in para 2 in points (i), (ii) and (iii) above is not available with the Insolvency and Bankruptcy Board of India. Further, the Hon’ble Supreme Court of India in *Thalappalam Ser. Coop. Bank Ltd. & Ors, v. State of Kerala & Ors. (Civil Appeal No. 9017 of 2013)*, while interpreting the term “information” enshrined in Section 2(f) of the RTI Act, 2005 has observed that citizens have a right to get information, but can have access only to the information “held” and under the “control of public authorities”, with limitations. If the information is not statutorily accessible by a public authority, as defined in Section 2(h) of the Act, evidently, that information will not be under the “control of the public authority”.
6. Accordingly, the appeal is disposed of.

Sd/-

(Mukulita Vijayawargiya)

Whole Time Member and First Appellate Authority

Copy to

1. Shri Nitesh Kumar Soni
2. CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan
New Delhi