

**BEFORE THE EXECUTIVE DIRECTOR AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 14th May, 2024

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal**

RTI Appeal Registration Number – ISBBI/A/E/24/00008

IN THE MATTER OF

T Sujesh Nair

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

2nd Floor, Jeevan Vihar Building

Sansad Marg, New Delhi - 110 001.

... Respondent

-
1. The Appellant has filed present Appeal dated 16th April 2024, challenging the communication of the Respondent dated 16th April 2024 with regard to his RTI Application No. ISBBI/R/E/24/00047 dated 13th March 2024 filed under the Right to Information Act, 2005 (RTI Act). The information sought in the Application is as follows: “I am a registered valuer under Sec 247 of Companies Act, 2013 as well as under Sec 34AB of Wealth Tax Act, 1957. Requesting your kind self to provide the following information:
 1. Registered Valuer Organisations (RVOs) are called a first level regulators for registration of valuers or valuer entities of various asset classes as well for continued education programmes (CEPs). Can the information regarding RVOs, their functioning and all related activities fall under Right to Information Act, 2005 and its subsequent amendments?
 2. Can a registered valuer work as an employee in a valuation firm after having registered as valuer complying IBBI and RVO norms?
 3. Will the name of the registered valuer still be displayed on the website of IBBI when he or she is found to be working as an employee and no disciplinary action taken against him or her?
 4. Will the name of the registered valuer still be displayed on the website of IBBI after he or she surrenders his or her registration for the purpose of employment?
 5. Can valuation firm not registered as valuation entity employee valuation professionals to carry out valuation of properties?
 6. If answer to Q5 is yes, please specify what should be the qualification of such employees who directly inspect and value the properties on behalf of the valuer entity? Would request your kind self to please provide the above information at the earliest, Thanking you Yours truly Sujesh Nair MRICS FIV FIIV MIE”
 2. The Respondent had stated that the information sought is in the nature of opinion or clarification, and accordingly is not covered within the definition of ‘information’ under RTI Act.

3. In this Appeal, the Appellant has stated that his RTI Application that –
*“Would request your kind self to review the reply provided by IBBI, refusing to provide a reply on the legal aspect that information sought does not fall under Section 2(f) of RTI Act, 2005.
 I hereby wish to bring to your notice that none of the information asked by me are fiduciary in nature or any personal information of any entity or individual.
 The information sought for are simple straight and crisp. These questions pertain to the rules set by IBBI for RVOs as well for valuer registration and monitoring of registered valuers.
 As a registered myself, I am of the view that I have the right to know how registration data of valuers is displayed in official website of IBBI at various stages and whether RTI Act, 2005 is applicable to RVOs as first level regulators.
 None of the questions are arbitrary in any form, no personal information sought and these information are to be provided as enshrined under the RTI Act, 2005. Yet these information have been denied.
 My questions are furnished below again for your kind consideration:*
- 1. Registered Valuer Organisations (RVOs) are called a first level regulators for registration of valuers or valuer entities of various asset classes as well for continued education programmes (CEPs). Can the information regarding RVOs, their functioning and all related activities fall under Right to Information Act, 2005 and its subsequent amendments?*
 - 2. Can a registered valuer work as an employee in a valuation firm after having registered as valuer complying IBBI and RVO norms?*
 - 3. Will the name of the registered valuer still be displayed on the website of IBBI when he or she is found to be working as an employee and no disciplinary action taken against him or her?*
 - 4. Will the name of the registered valuer still be displayed on the website of IBBI after he or she surrenders his or her registration for the purpose of employment?*
 - 5. Can valuation firm not registered as valuation entity employ valuation professionals to carry out valuation of properties?*
 - 6. If answer to Q5 is yes, please specify what should be the qualification of such employees who directly inspect and value the properties on behalf of the valuer entity?*
- I would request your kind self not to limit these questions within the ambit of RTI Act, 2005 and information may please be shared.”*
4. I have carefully examined the application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record. 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. The appellant has asked for number of queries on applicability of RTI on RVOs, can unregistered firm do valuation, etc.. Such

questions are inquiries requesting a response from the Respondent. Resolving queries or giving answers to questions of the Appellant does not fall under the RTI Act. 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/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.”

6. 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.”*
7. These requests, of the Appellant, are certainly inquiries soliciting a response for an answer rather than any *'information'* within the scope and ambit of section 2(f) of RTI Act. This Act does not create obligation on the public authority to answer queries eliciting answers to questions. In this regard, it is relevant to refer to the Order dated April 21, 2006, of the Hon'ble CIC in the matter *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr.*, wherein it was 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.”*
8. In view of the above, I find that there is no need to interfere with the decision of the Respondent. The Appeal is accordingly dismissed.

Sd/

(Jithesh John)

First Appellate Authority

Copy to:

1. Appellant, T Sujesh Nair.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.