

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

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circle, New Delhi- 110 001

Dated: 10th February 2025

**Order of First Appellate Authority under Right to Information Act, 2005 in RTI Appeal
No. ISBBI/A/E/25/00001, ISBBI/A/E/25/00002, ISBBI/A/E/25/00003,
ISBBI/A/E/25/00004, ISBBI/A/E/25/00005 and ISBBI/A/E/25/00006**

IN THE MATTER OF

Kairav Anil Trivedi

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan, Shankar Market,

Connaught Circle, New Delhi - 110 001.

... Respondent

ORDER

1. The Appellant has filed the present Appeals dated 3rd January 2025 and 6th January 2025, challenging the communication of the Respondent in respect of his 6 RTI applications, filed under the Right to Information Act (RTI Act). As the appeals required detailed analysis of provisions of the RTI Act, same are disposed 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. With regard to RTI Appeal No. ISBBI/A/E/25/00001 and RTI Appeal No. ISBBI/A/E/25/00002, the Appellant has *inter-alia* requested that (a) The copy of the internal order before issuance of this SC which records the reasons as to why the issuance of this SCN is not a violation of the stay order granted by the Hon’ble High court of Mumbai... (b) The copy of the internal order for continuation of multiple SCN referring to the earlier SCN dt 21.03.23, be provided. In this regard, I note that the purpose of the RTI Act is to provide information in the nature of documents, orders, etc. The Respondent is not suppose to create documents as specified by the Appellant, when the same are not part of the record. Also, the

Respondent is not supposed to answer as to why a particular thing has been done or not, and on what basis a particular thing has been done. That is not the purpose of the RTI Act. In this regard, I note that the copy of the SCN is already available with the Appellant. Also, the Appellant has already been provided with the relevant File Notings in reference to response to his RTI Application No. ISBBI/R/E/24/00224. Accordingly, the available information on record has been provided, and no further information can be provided.

4. With regard to RTI Appeal No. ISBBI/A/E/25/00003 and RTI Appeal No. ISBBI/A/E/25/00004, the Appellant has submitted that (a) The copy of the order passed under Sec. 218 of IBC, constituting the Investigating Authority to conduct an inspection or investigation of Kairav Anil Trivedi needs to be shared by IBBI in this RTI, (b) The copy of the detailed report submitted under Sec. 218 (6) of IBC by the Investigating Authority needs to be shared by IBBI in this RTI, (c) The copy of the prima facie opinion formed under Reg. 11(2) of IBBI (Inspection And Investigation) Regulations, 2017 for issuance of the Show Cause Notice to Kairav Anil Trivedi needs to be shared by IBBI in this RTI, (d) All papers and proceedings related to the factors listed in Reg. 12(2) of IBBI (Inspection And Investigation) Regulations, 2017 being taken into account for issuance of the Show Cause Notice no. COMP-11012/127/2024-IBBI dt/- 04 Oct. 2024 to Kairav Anil Trivedi needs to be shared by IBBI in this RTI, be provided. In this regard, I note that the Appellant already has the SCN and relevant File Notings with him. More than that, there is no further information which can be provided by the Respondent. The Respondent cannot be expected to create the information or provide clarifications on the same. Accordingly, no further information can be shared with the Appellant.
5. With regard to RTI Appeal No. ISBBI/A/E/25/00005, the Appellant has submitted that (a) Copy of the complaint filed against the undersigned needs to be shared by IBBI in this RTI, (b) Copy of the opinion formed under Reg. 7 (7) of IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017 needs to be shared by IBBI in this RTI, (c) Copy of the opinion formed under Reg. 7 (8) of IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017 that the complaint against the undersigned is not frivolous. needs to be shared by IBBI in this RTI, be provided. In this regard, I note that the Appellant already has the SCN and relevant File Notings with him. More than that, there is no further information which can be provided by the Respondent. The Respondent cannot be expected to create the information or provide clarifications on the same or provide answers to the queries of the Appellant. Accordingly, no further information can be shared with the Appellant.
6. With regard to RTI Appeal No. ISBBI/A/E/25/00006, the Appellant has submitted that (a) To share the copy of the Order u/s 218 issued by IBBI as mandated u/s 7(2) of the IBBI (Inspection and Investigation Regulations , 2017) directing an investigating authority to conduct an investigation of the affairs of a service provider and to report thereon to the Board, which contains the requirements as mandated u/s 7(3) of the IBBI (Inspection and Investigation Regulations , 2017) The order referred to in sub-regulation (2) shall contain the following particulars....., (b) The copy of the detailed report submitted under Sec. 218 (6) of IBC by the Investigating Authority is requested to be shared by IBBI as per this RTI, and (c) The copy of the prima facie opinion formed under Reg. 11(2) of IBBI (Inspection And Investigation) Regulations, 2017 for issuance of the Show Cause Notice needs to be shared by IBBI in this RTI, be provided. In this regard also, I note that the Appellant already has the SCN and relevant File Notings with him. More than that, there is no further information which can be provided by the Respondent. The Respondent cannot be expected to create the

information or provide clarifications on the same or provide answers to the queries of the Appellant. Accordingly, no further information can be shared with the Appellant.

7. Therefore, I do not find any reason to interfere with the response of the Respondent. The appeal is accordingly, disposed of.

Sd/
(Kulwant Singh)
First Appellate Authority

Copy to:

1. Appellant, Kairav Anil Trivedi.
2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circle, New Delhi - 110 001.