

**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: 11th July 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/00088**

IN THE MATTER OF

Chinakoteswara Rao Kanathala

... 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 13th June 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act).
 2. The Appellant had originally requested for the following information, *“What is the reason not mentioning EPF dues in Resolution Plan of BILT Kamalapur unit CIN No: L21010MH1945PLC010337?”*. The CPIO Respondent has replied that the information sought by the Appellant is in the nature of clarification/justification, which is beyond the scope of information under Section 2(f) of the RTI Act. Aggrieved with the same, the Appellant has filed the present Appeal by stating the following, *“What is the status of claims related to EPF dues of the BILT Kamalapur unit.”*
 3. I have carefully examined the application, the response 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. The Appellant had sought the reason behind omitting the claim of Employee Provident Fund (EPF) dues in the resolution plan of the Kamalapur unit of Ballarpur Industries Limited (BILT). However, in the instant Appeal, I observe that the Appellant has sought information regarding the status of claims related to EPF dues under the resolution plan

of the Kamalapur unit of BILT. In this context, it is relevant to refer to Regulation 39(5A) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, which reads as follows: *“The resolution professional shall, within fifteen days of the order of the Adjudicating Authority approving a resolution plan, intimate each claimant, the principle or formulae, as the case may be, for payment of debts under such resolution plan.”* The provision requires the Resolution Professional (RP) to inform each claimant (creditor) about the basis or rationale for distribution of amounts due to him under the Plan. In addition to it, the RP is mandated to inform the formulae applied in the Plan to arrive at the amounts payable to each claimant. Accordingly, such information is not ‘held’ by the IBBI within the meaning of Section 2(f) of the Right to Information Act, 2005. However, in furtherance of the objectives of transparency and accountability underlying the RTI Act, it would be appropriate to provide the name and contact details of the RP. The Appellant may, therefore, approach Mr. Anuj Jain (IBBI/IPA-001/IP-P00142/2017-2018/10306) at his designated email address (anujjain@kpmg.com) for any information pertaining to the insolvency resolution process of BILT, in accordance with applicable law.

5. The Appeal is, accordingly, disposed of.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

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