

**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: 16th September 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/000110**

IN THE MATTER OF

Akash Deep Tewari

... 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 6th August 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). As the Appeal required a detailed analysis of different provisions of the RTI Act, same is disposed of within 45 days of receipt as enshrined under Section 19(6) of the RTI Act.
 2. In the RTI Application, he Appellant had stated the following, *"I have purchased Flat No. K 1608, Size 1075 sq ft in Klock Tower, Ajnara Grand Heritage, Sector 74, Noida, U.P - 201305 on 21.06.2017. Since the company i.e Ajnara India Ltd. went bankrupt, Honourable NCLT has initiated Corporate Insolvency Resolution Process (CIRP) and appointed Mr. Amarpal, as Interim Resolution Professional (IRP) of M/s Ajnara India Limited (Builder) on 20.09.2022. Moratorium U/s 14 of IBC has been declared and now the affairs, business, management and properties related to the Builder are being managed by IRP as per IBC vide orders dated 17.10.2022 and 11.01.2023 issued by Honourable NCLAT. Since the IRP is under the Insolvency and Bankruptcy Board of India under MCA, it is a public Authority by definition and hence following information is sought regarding Tower K22 of which my Unit K1608 is a part:*
 1. *Layout Plan approved from NOIDA Authority showing no. of covered parking and location of each parking slot.*
 2. *Total number of parking slots required for all Units of K22 Tower committed as per BBA.*
 3. *Parking Allocation Date - Unit wise and Date wise allotted by Builder/IRP.*
 4. *Details of fees collected by Builder/IRP from flat owners for parking allotment with Receipt nos., if any."*

The Respondent CPIO has replied as follows, *"The information as sought is not maintained by the Board."* Aggrieved with the reply, the Appellant has filed the instant Appeal stating the following, *"Concerned had declined information citing that the same is not maintained by them. However, the Builder is under CIRP and it is highly unlikely that the management of M/s Ajnara India Ltd is being run by the IRP without having access to this information. Since the IRP is responsible for getting the pending works done through the Builder, this information can be easily taken from them and provided to the applicant. Hence, this appeal is being registered. Let me know if you also want grammar or clarity improvements."*

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. 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 the impugned Appeal, the Appellant has asked IBBI to collate information from the IRP of the corporate debtor i.e., M/s Ajnara India Ltd pertaining to the queries raised in his RTI Application. Since the information as sought by the Appellant is not "held by or under the control of the public authority" as enshrined under the RTI Act, the Respondent is not obligated to create new information. Moreover, collation of information, as sought by the Appellant, is beyond the ambit of "right to information" under Section 2(j) of the RTI Act. The Hon'ble Supreme Court, in the matter of *CBSE vs. Aditya Bandopadhyay & Ors* [Civil Appeal No.6454 of 2011] has held as under:

"At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing....But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant. "
5. Under Section 18 of the Code, the IRP is required to maintain all information pertaining to the assets and operations of the CD. Accordingly, the Appellant is advised to directly approach the resolution professional - **Mr. Amarpal (IBBI/IPA-001/IP-P-01584/2018-2019/12411)** at his email address (amarpal@icai.org) for queries pertaining to M/s Ajnara India Ltd.
6. In view of the foregoing, the reply of the CPIO does not merit any interference. The Appeal is, accordingly, disposed of.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

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