

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

7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market,  
Connaught Circus, New Delhi -110001

**Dated: 25<sup>th</sup> April 2025**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI  
Appeal Registration No. ISBBI/A/E/25/00066**

**IN THE MATTER OF**

**Jitender Kumar Jain**

... Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India

7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market,

Connaught Circus, New Delhi -110001

... Respondent

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1. The Appellant has filed the present Appeal dated 22nd March 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). As the Appeal required detailed analysis of different provisions of the RTI Act, the same is disposed of within 45 days of receipt of the impugned Appeal.
  2. The Appellant had sought the following information, *“Please provide information relating to vetting of following regulations including their amendment from time to time as prepared by Insolvency & Bankruptcy Board of India: 1. Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 2. Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017 3. Insolvency and Bankruptcy Board of India (Grievance and Complaint Handling Procedure) Regulations, 2017 4. Insolvency and Bankruptcy Board of India (Model Byelaws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 5. Insolvency and Bankruptcy Board of India (Delegation of Powers and Functions) Order, 2017”*. The Respondent CPIO has replied that the information as sought by the Appellant is not available with it. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought by the Appellant.
  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. 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. It is pertinent to note that the Respondent is expected to provide information as available on record and not create any information. Accordingly, as no information is available with CPIO, he cannot be expected to provide any other information. Same is beyond the scope of 'right to information' under section 2(j) of the RTI Act which limits the information to one 'accessible' under the RTI Act and 'which is held by or under the control of any public authority'. In this context, I note that the Hon'ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011), inter alia held: "*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.*" Further, I note that the Hon'ble CIC in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: "... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given." Since the Respondent CPIO has disposed the RTI Application satisfactorily, it does not warrant our interference.
5. The Appeal is, accordingly, disposed of.

**Sd/-**  
**(Kulwant Singh)**  
First Appellate Authority

**Copy to:**

1. Appellant, Jitender Kumar Jain
2. CPIO, The Insolvency and Bankruptcy Board of India, 7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110001.