

**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: 01<sup>st</sup> May 2025**

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI  
Appeal Registration No. ISBBI/A/E/25/00063, ISBBI/A/E/25/00064,  
ISBBI/A/E/25/00065, ISBBI/A/E/25/00068, ISBBI/A/E/25/00069,  
ISBBI/A/E/25/00072, ISBBI/A/E/25/00073, ISBBI/A/E/25/00074**

**IN THE MATTER OF**

**Shashi Agarwal**

... 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 RTI Appeal Registration No. ISBBI/A/E/25/00063, ISBBI/A/E/25/00064, ISBBI/A/E/25/00065 dated 19<sup>th</sup> March 2025, RTI Appeal No. ISBBI/A/E/25/00068 & ISBBI/A/E/25/00069 dated 29<sup>th</sup> March 2025, RTI Appeal Registration No. ISBBI/A/E/25/00072 dated 31<sup>st</sup> March and RTI Appeal Registration No. ISBBI/A/E/25/00073 & RTI Appeal Registration No. ISBBI/A/E/25/00074 dated 02<sup>nd</sup> April 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). Since the Appeals required detailed analysis of different provisions of the RTI Act, same are disposed within 45 days of receipt of the impugned Appeals.
  2. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00063, the Appellant had sought copies of the office notings, inspection report and other documents pertaining to the issuance of SCN and constitution of Disciplinary Committee in the matter of the present Appellant. The Respondent CPIO has, accordingly, supplied the office notings while replying that the details pertaining to the constitution of DC is available on <https://ibbi.gov.in/en/about/disciplinary-committee>. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought under the RTI Act.
  3. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00064, the Appellant had sought information on a notification issued by the IBBI wherein all the cases as on 01.04.2022 shall be decided by the DC constituted as on 01.04.2022. The Respondent CPIO has replied that no such notification is available and hence, not hosted on the IBBI website. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought under the RTI Act.
  4. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00065, the Appellant had sought copies of the office notings in the matter of the present Appellant (IBBI/IPIR(INSP)2020/1). The Respondent CPIO has, accordingly, supplied the office

notings. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought under the RTI Act.

5. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00068, the Appellant had sought copies of notings, discussions and minutes of the meeting held by the IBBI in deciding upon the issuance of SCN to the Appellant. Moreover, the Appellant sought relevant portions of the investigation report containing the alleged facts levelled against the present Appellant. The Respondent CPIO has replied that the information sought has already been provided to the Appellant in his previous RTI Application. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought under the RTI Act.
6. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00069, the Appellant sought documents pertaining to the constitution of the Inspection Authority in the matter concerning the Appellant. The Respondent CPIO has replied that the information sought has already been provided in previous RTI application. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied and misrepresented the information sought under the RTI Act.
7. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00072, the Appellant had sought copies of documents based on which a prima facie view was established to issue SCN to the Appellant. Moreover, the Appellant has sought minutes of the meeting wherein the decision to issue SCN and constitute DC has been taken. The Respondent CPIO has replied that the information sought has already been provided in previous RTI application. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought under the RTI Act.
8. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00073, the Appellant has sought copies of documents and noting pertaining to the decision of the IBBI to verify workmen's claims despite factory closure and absence of audited balance sheet. The Respondent CPIO has replied that the information sought has already been provided in previous RTI application. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought under the RTI Act.
9. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00074, the Appellant has sought copies of the documents based on which the IBBI has claimed that the Appellant has been engaged in tainted and corrupt practices during the CIRP of Incab Industries. Moreover, the Appellant has sought copies of the SCN, and affidavit filed by the IBBI to substantiate the aforesaid claim. The Respondent CPIO has replied that while the matter pertaining to Incab Industries is *sub-judice*, the copies of SCN and affidavit have already been supplied in previous RTI Application. Moreover, the DC Order dated 13.05.2022 is a speaking order which is hosted on the IBBI's website and contains all the material information pertaining to the impugned request. Aggrieved with the same, the Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought under the RTI Act.
10. 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

11. Upon perusal of the record, it is evident that the appellant has been repeatedly filing multiple RTI applications seeking substantially similar or overlapping information. This pattern of indiscriminate filing is a blatant abuse of the RTI mechanism and amounts to harassment of the public authority. The RTI Act is not meant to be a tool for frivolous and vexatious litigation, nor should it be misused to create administrative roadblocks or disrupt the normal functioning of government offices. The Appellant's repeated and excessive demands have resulted in a substantial waste of public resources, time, and effort, thereby impeding the efficiency of the concerned public authority. Such misuse not only diverts attention from genuine RTI queries but also causes an undue burden on government officials, who are obligated to respond to each application in a time-bound manner under the Act. This deliberate and calculated misuse of the RTI process is unacceptable.
12. The RTI Act was enacted with the primary objective of ensuring transparency and accountability in governance while empowering citizens with the right to access information. However, it is not a license to make repetitive, frivolous, and unreasonable demands that serve no public interest. The Hon’ble Supreme Court and various High Courts have categorically held that the right to information is not an unqualified right and must be exercised responsibly. The abuse of RTI provisions for obstructing public administration, intimidating officials, or indulging in unnecessary fishing and roving inquiries is contrary to the intent of the legislation. Filing multiple RTI applications with similar content amounts to sheer misuse of the statutory right, and such conduct should be discouraged. The Act is meant to promote transparency, not to paralyze public authorities with voluminous and baseless queries that serve no legitimate purpose. It is reiterated that RTI should be used for seeking information in a bona fide manner, not as a tool to intimidate, threaten, or harass public officials through indiscriminate and vexatious applications.
13. In this regard, it is useful to refer to the following observations of 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): “*Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI*

*Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."*

14. Upon perusal of the RTI applications and submissions made in appeal, it is apparent that the Appellant is aggrieved by the order of the Disciplinary Committee of IBBI and has been persistently seeking information regarding the said order. It must be noted that the Respondent is neither required nor authorized to provide information beyond what is legally permissible under the RTI Act. Despite this, the Appellant has been persistently raising hypothetical and irrelevant queries that have no basis in law. Furthermore, the Appellant's conduct demonstrates a clear intent to misuse the RTI mechanism by filing repetitive and frivolous applications with the sole aim of harassing the public authority and obstructing due process. Such repeated and baseless filings not only create an unnecessary administrative burden but also hinder the public authority's ability to discharge its statutory duties effectively. This pattern of filing constitutes an egregious abuse of the RTI process.
15. With regard to RTI Appeal nos. ISBBI/A/E/25/00063 & ISBBI/A/E/25/00065 it is pertinent to note that the Respondent CPIO has provided relevant file notings, draft inspection report, final inspection reports, reply to SCN and the details pertaining to the constitution of DC. Such disclosure of relevant information upholds the principles of transparency and accountability, which form the bulwark of the RTI Act. With regard to RTI Appeal nos. ISBBI/A/E/25/00064, the Respondent CPIO has rightly replied that since the inquired notification has not been issued, the question of "why" such information is not hosted on the IBBI website does not qualify as "information" under the RTI Act. This request, of the Appellant, is certainly inquisition 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.*" With regard to RTI Appeal nos. ISBBI/A/E/25/00068, ISBBI/A/E/25/00069 & ISBBI/A/E/25/00073, the Respondent CPIO has rightly replied that documents pertaining to the SCN and DC order have been provided to the Appellant in its previous RTI Application i.e., ISBBI/R/E/24/00280, while the relevant material records are available in the DC by virtue of it being a speaking order accessible at <https://ibbi.gov.in/en/orders/ibbi>. The documents supplied by the Respondent CPIO are complete and do not require further addition.
16. With regard to RTI Appeal nos. ISBBI/A/E/25/00072, the Respondent CPIO has rightly replied that the *prima facie* view of the Board is available with the Appellant since it is mentioned in the SCN dated 13.01.2023 and minutes of the meetings of the Board concerning the disposal of SCN and constitution of DC is not available. The CPIO is not expected to create information out of thin air, but to provide such information as "accessible" to the public authority. As stated in the Guide on the RTI Act issued by the DoPT under OM No. 1/32/2013-IR dated 28<sup>th</sup> November 2013 - "*The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to furnish information which require drawing of inference and/ or making of assumptions; or to interpret information; or to solve the problems raised by the applicants;*

*or to furnish replies to hypothetical questions.”* With regard to RTI Appeal nos. ISBBI/A/E/25/00074, the Respondent CPIO has rightly replied that the documents relied upon by the IBBI to accuse the Appellant for corrupt activities in the affidavit submitted by it before the Hon’ble High Court of Kolkata is in the nature of seeking explanation/ opinion and since the matter is sub-judice, cannot be disclosed to the Appellant. The Hon’ble Bombay High Court at Goa in the matter of *Dr. Celsa Pinto vs. Goa State Information Commission (W.P. No. 419 of 2007, decision dated 03.04.2008)* has held that, *“The definition of information cannot include within its fold answers to the question “why” which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.”* Moreover, on the query for copies of SCN and minutes of the meeting of the Board concerning the Hon’ble Supreme Court order dated 03.12.2021, the Respondent CPIO has rightly replied that documents pertaining to the SCN and DC order have been provided to the Appellant in its previous RTI Application i.e., ISBBI/R/E/24/00280, while the relevant material records are available in the DC by virtue of it being a speaking order accessible at <https://ibbi.gov.in/en/orders/ibbi>. In this regard, it is pertinent to note that cases of disclosure of information to the repetitive Appellants for their private purpose which promotes their private interest but not the public interest would cause substantial harm to the legitimate aim of the Right to Information Act. Since the Respondent CPIO has provided the requested information to the aforementioned Appeals satisfactorily, it does not warrant our interference.

17. With regard to RTI Appeal nos. ISBBI/A/E/25/00063, ISBBI/A/E/25/00064, ISBBI/A/E/25/00065, ISBBI/A/E/25/00068, ISBBI/A/E/25/00073, it is noted that as per section 7(1) of the RTI Act, the Respondent is required to respond within 30 days of the receipt of the request. It appears that the Respondent has, in some instances, responded beyond the stipulated 30-day period in certain RTI applications. As the CPIO of a public authority like IBBI, the Respondent must remain vigilant in adhering to the statutory timelines prescribed under the RTI Act. Timely disposal of information requests is essential to uphold the spirit of transparency and accountability enshrined in the Act. Therefore, I strongly encourage and urge the Respondent to ensure that RTI applications are processed and disposed of within the legally mandated timeframe.
18. However, while strict adherence to statutory timelines is ideal, it is also important to recognize the practical difficulties faced by the Respondent when burdened with an excessive number of RTI applications, as seen in the present case. The repeated filing of multiple, substantially similar, or overlapping applications places an undue strain on limited administrative resources, making it extremely challenging—if not impossible—for the Respondent to respond to each application within the prescribed time limit. Such indiscriminate use of the RTI mechanism not only disrupts the normal functioning of the public authority but also diminishes its ability to focus on legitimate information requests. This, in turn, affects the overall efficiency of the RTI process and diverts valuable time and effort away from other critical public duties. While the RTI Act is a powerful tool for ensuring transparency, it must not be misused in a manner that obstructs the smooth operation of government functions
19. In view of the foregoing, I find no merit in the present Appeals, and the same is accordingly dismissed. Furthermore, the Appellant is strictly warned to refrain from such misuse of the RTI Act in the future.

20. The Appeal is, accordingly, disposed of.

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

**Copy to:**

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