

**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: 26th August 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/000106**

IN THE MATTER OF

Pooja Agarwal

... 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 12th July 2025, challenging the communication of the Respondent, filed under the Right to Information Act, 2005 (RTI Act). The Appeal, requiring detailed analysis of various provisions of the RTI Act, is disposed of within 45 days of its receipt, as mandated under Section 19(6) of the RTI Act.
 2. In its RTI Application, the Appellant had stated the following, *“I am seeking information under the Right to Information Act, 2005, regarding the insolvency proceedings of GVR Infra Projects Ltd. I request the complete and final copy of the Resolution Plan approved by the Hon’ble National Company Law Tribunal (NCLT) for GVR InfraProjects Ltd. vide order dated 20.07.2020 that was submitted by U V Asset Reconstruction Company Ltd. As per the Insolvency and Bankruptcy Board of India (IBBI) regulations, the approved Resolution Plan should be available on the corporate debtor website after approval. However, this information is not available on the corporate debtor website. Hence, I am seeking this information through this RTI application.”* The Respondent CPIO has replied that the resolution plan for the corporate debtor is submitted in commercial confidence and thus, exempted from disclosure under Section 8(1)(d) of the RTI Act. The Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information sought.
 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. I note that the Appellant has sought a copy of the resolution plan approved by the NCLT for GVR Infra Projects Ltd. The copy of the Resolution Plan is exempted under Section 8(1)(d) of the RTI Act since the documents contains information pertaining to commercial confidence, trade secret and intellectual property, which may hamper the competitive position of the third party. The NCLAT, in *Committee of Creditors of Meenakshi Energy Ltd. v. Consortium of Prudent ARC Limited & Vizag Minerals and Logistics P Ltd. (Company Appeal (AT) (CH) (INS.) No. 166 of 2021)*, has affirmed the nature of resolution plan as ‘confidential’. Moreover, the NCLAT in *Association of aggrieved Workmen of Jet Airways (India) Ltd. vs Jet Airways (India) Ltd. and Ors. [Company Appeal (AT) (Insolvency) Nos. 643 of 2021]*, has held that the resolution plan “cannot be made available to each and to anyone who has no genuine claim or interest in the process. On various grounds the access to Resolution Plan even if it is not a confidential document, after approval can be denied in proper and appropriate cases.” Since the Appellant has not disclosed a larger public interest to justify the disclosure of the Resolution Plan, the reply of the CPIO does not warrant any interference.
5. The Appeal is, accordingly, disposed of.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

1. Appellant, Pooja Agarwal
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