

**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: 17th 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/25/00058**

IN THE MATTER OF

Neeraj Gutgutia

... 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

-
1. The Appellant has filed the present Appeal dated 5th March 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, the same is disposed of within 45 days of receiving the impugned Appeal.
 2. The Appellant had sought information about the eligibility requirements for e-auction platforms as stipulated by IBBI. Moreover, the Appellant sought information on the composition and the nature of exclusive rights granted to eBKray auction platform to sell assets under the liquidation process. The Respondent CPIO has, *inter-alia*, replied that the information sought by the Appellant is in the nature of clarification/opinion, which is beyond the scope of information under Section 2(f) of the RTI Act. The Appellant has filed the present Appeal stating that the Respondent CPIO has wrongly denied the information requested 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. The Respondent CPIO has replied that the information pertaining to the eligibility requirement of eAuction platforms is not maintained by IBBI. In *A.K. Vasudev Vs. CPIO, M/o Consumer Affairs, Food & Public Distribution, New Delhi (Second Appeal No.*

CIC/DOCAF/A/2018/137220), the Central Information Commission (CIC) has observed that, “under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or provide clarification or furnish replies to hypothetical questions”. Moreover, the CIC has further observed 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.”

5. It is pertinent to note that the Respondent CPIO is expected to provide information as available on record. Since no information on eligibility requirements of e-Auction platforms is maintained by IBBI, the Respondent CPIO is not obligated to create such information. Furthermore, it is abundantly clear that the Respondent CPIO cannot be expected to advance justifications for mandating the use of eBKray auction platform by the IBBI under the scope of the RTI Act.
6. In addition to above, the definition of information under the RTI Act does not include opinions or initiating actions based on representations/complaints alleged in the impugned Appeal. The Hon’ble CIC in *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances & Pension, Department of Personnel & Training, North Block, New Delhi -110001, File No: CIC/MPERS/A/2017/158527/SD*), has observed the following, “Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarify/deduct information in respect of queries/clarifications. Similarly, redressal of grievance, non-compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act.” Since the Respondent CPIO has adequately replied to the information sought, it does not warrant our interference.
7. The Appeal is, accordingly, disposed of.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

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