

**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: 22nd July 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/00093**

IN THE MATTER OF

Kairav Anil Trivedi

... 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 18th June 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). Since the Appeal required an analysis of different provisions of the RTI Act, they are disposed of within 45 days as required under Section 19(6) of the RTI Act.
 2. In the impugned RTI Application, the Appellant had requested for the following information, *“This RTI is for copies of the Internal orders /Documents /Reports/Opinions as mandated under IBBI Regulations for SCN No. COMP-11011/35/2023-IBBI/853/151 dated 10/04/24 against Mr. Kairav A.Trivedi 1. The copy of the internal order passed by the Board u/r regulation 7(2) 2. The internal order of Board mandated u/r 7(3) directing an investigation shall contain particulars specified under (a)to (f) 3. The Internal records including, documents, memos, emails, opinions, advice, orders, reports, papers as mandated u/r 7(4), 7(5)4. The Copy of the Internal Report as submitted by the Investigating Authority to the Board along with all the evidences on record as mandated u/r 10 (1) 5. Copy of the Internal Report of Examination by the Board in writing duly signed and dated as mandated u/r 10(2) 6. Independent assessment made by the Board in writing whether investigation is complete and satisfactory or requires further investigation as mandated u/r 10(2) 7. Copy of the Internal orders of advice by the Board to the Investigating Authority in writing duly signed and dated as mandated u/r 10(3) 8. Copy of the Internal order and all the materials available on records with IBBI in compliance of the regulation 10B(1),(2),(3) 9. Copy of the Internal records including, documents, memos, e-mails, opinions, advices, orders, reports, papers duly signed and dated which records the receipt of the that Investigation report u/s 10 as mandated u/r 11(1) 10. Internal records mandated u/r 11(1) that the Board has Independently Considered the Investigation report 11. Copy of all the documents materials and evidence on records, considered by the Board before forming a Prima Facie opinion as mandated u/r 11(2) 12. IBBI showing independent application of mind by the board thereby an independent assessment has been done by the Board, as clearly distinguished from the report obtained 13. Copy of the documentation by the Board which records in writing the specific causes in existence as on the date of forming a Prima facie opinion mandated u/r 11(2) 14. All papers and proceedings related to the factors listed in Reg. 12(2) of IBBI (Inspection and Investigation) Regulations, 2017 15. The copy of the internal documents in writing with IBBI which shows that the Board has taken into account the following factors before issuance of SCN as mandated in regulation 12 (2) (a), (b) (i),(ii),(iii) 16.The copy of the internal documents in writing with IBBI which shows that before acceptance of compliant IBBI has ensured compliance of the Clause 2 , as regards (a)aggrieved, (g) complainant, (h) grievance & (j) stakeholder 17. The copy of the internal*

documents in writing with IBBI which shows that before acceptance of compliant IBBI has ensured compliance of the Clause 3(2) (i),(ii),(iii),(iv),(v),(vi), & (vii) and 3(4) 18. The copy of the internal document in writing with IBBI which shows that before acceptance of compliant IBBI has ensured compliance of the Clause 7(1),7(3),7(7),7(8).” The CPIO Respondent has, accordingly, provided the relevant file notings and copies of the investigation report pertaining to SCN issued to the Appellant. Aggrieved with same, the Appellant has filed the present appeal stating the following, “1. *The copy of the Internal order by Board as mandated u/s 7(2) & sec 7 (3), 7(4), 7(5), above have not been attached even after being mentioned in the reply to RTI. 2. The copy of the Internal Report as submitted by the Investigating Authority to the Board along with all the evidences on record as mandated u/r 10 (1),10 (2), 10 (3), have not been Provided 3.The copy of Internal order and all the materials available on records with IBBI in compliance of the regulation 10B (1),10B (2),10B (3) have not been provided 4. The copy of Internal records including, documents, memos, emails, opinions, advices, orders, reports, papers duly signed and dated which records the receipt of the that Investigation report u/s 10 as mandated u/r 11(1), 11(2) have not been provided 5. The copy of the All papers and proceedings related to the factors listed in Reg. 12(2), 12 (2) (a), 12 (2)(b) (i), 12 (2) (b) (ii), 12 (2) (b) (iii) have not been provided 6. The copy of the internal documents in writing with IBBI which shows that before acceptance of compliant IBBI has ensured compliance of the Clause 2 have not been provided 7. The copy of the internal documents in writing with IBBI which shows that before acceptance of complaint IBBI has ensured compliance of the Clause 3(2) (i),(ii),(iii),(iv),(v),(vi),(vii) & 3(4) have not been provided 8. The copy of the internal document in writing with IBBI which shows that before acceptance of compliant IBBI has ensured compliance of the Clause 7(1),7(7), 7(8) have not been provided.”*

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 queries pertaining to the DC Order No. IBBI/DC/277/2025 dated 21.03.25 raised in the impugned Appeal emanates from the SCN No. COMP-11011/35/2023- IBBI/853/151 dated 10.04.2024, which was issued to the Appellant. The information sought by the Appellant have been raised on the previous occasion in RTI Appeal no. ISBBI/A/E/25/00084 filed on 3rd May 2025 & RTI Appeal no. ISBBI/A/E/25/00090 filed on 17th June 2025. The First Appellate Authority (FAA), *vide* order dated 16.06.2025, has comprehensively dealt with the queries raised in the instant Appeal. Moreover, information as sought by the Appellant have been previously supplied to the Appellant by the CPIO Respondent *vide* **RTI No. ISBBI/R/E/25/00142** sent on 20 May 2025. Since no new information has been sought by the Appellant, it does not warrant my interference.

5. The Appeal is, accordingly, disposed of.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

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