

**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 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/25/00089**

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 17th June 2025, challenging the communication of the Respondent, filed under the Right to Information Act, 2005 (RTI Act).
 2. 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.11012/127/2024-IBBI dt 04/10/24 against Mr. Kairav A. Trivedi* 1. The copy of the internal order passed by the Board u/s 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, advices, 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 as 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 as mandated u/r11(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, while providing the information available and held by it to the Appellant, has denied access to certain information on the ground that such information is not available or maintained in its records. Aggrieved with the same, the Appellant has filed the present Appeal stating the following, “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 application, the response of the Respondent and the Appeal 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 present appeal is being disposed of by delineating the grounds raised against the impugned RTI application, including the request for fresh information, and the final order is set out as under:

No.	Requests raised in the Appeal	Final Order
1.	The copy of the Internal order by Board as mandated u/s 7(2) & sec 7 (3), 7(4), 7(5) of Insolvency and Bankruptcy Board Of India (Inspection and Investigation) Regulations, 2017 have not been attached even after being mentioned in the reply to RTI.	It is seen that file notings have been attached with the CPIO Reply: ISBBI/R/E/25/00139 dated 20.05.2025 as regarding Reg. u/s 7(2) & sec 7 (3), 7(4), 7(5) of the IBBI (Inspection and Investigation) Regulations, 2017 by directing investigation against the Appellant.

2.	The copy of Internal order of advice in writing by the Board to the Investigating Authority under regulation 10(2) & 10(3) respectively, and all the materials available on records with IBBI in compliance of the regulation 10B (1),10B (2),10B (3) of the IBBI (Inspection and Investigation) Regulations, 2017 have not been provided.	In this regard, I note that the file notings have been attached with the CPIO Reply: ISBBI/R/E/25/00139 dated 20.05.2025 as regarding the concerned regulations of the IBBI (Inspection and Investigation) Regulations, 2017.
3.	The copy of the Internal Report as submitted by the Investigating Authority to the Board along with all the evidence on record as mandated u/r 10 (1) &10 (2) of the Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017 have not been provided.	
4.	The copy of Internal records including, documents, memos, emails, opinions, advice, orders, reports, papers duly signed and dated which records the receipt of the Investigation report u/s 10 as mandated u/r 11(1), 11(2) of the IBBI (Inspection and Investigation) Regulations, 2017 have not been provided.	
5.	The copy of all the 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) of the IBBI (Inspection and Investigation) Regulations, 2017 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 of the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017 as regards (a) “aggrieved”, (g) “complainant”, (h) “grievance” & (j) “stakeholder” have not been provided.	
Regulation 2 of the IBBI (Inspection and Investigation) Regulations, 2017 contains definitions of the terms (a) “aggrieved”, (g) “complainant”, (h) “grievance” & (j) “stakeholder”. In terms of Regulation 3(3) of the IBBI (Inspection and Investigation) Regulations, 2017: ‘A stakeholder, who wishes to file a complaint, shall file it with the Board in		

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.	Form A along with a demand draft for two thousand and five hundred rupees drawn in favour of the Insolvency and Bankruptcy Board of India payable at New Delhi or an online acknowledgement of two thousand and five hundred rupees paid to the credit of the Board towards fee.’ Thereafter, Regulation 3(5) states that: ‘A grievance or a complaint shall be filed with the Board on its dedicated portal http://www.ibbi.gov.in/ ’ As such, it appears that no information is being sought by the appellant.
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(3), 7(7), 7(8) of IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017.have not been provided.	In this regard, I note that the file notings have been attached with the CPIO Reply: ISBBI/R/E/25/00139 dated 20.05.2025 as regarding the concerned regulations of the IBBI (Inspection and Investigation) Regulations, 2017.

5. As such the reply given by CPIO is satisfactory and does not warrant my interference. 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.