

**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: 7<sup>th</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/25/00070 & ISBBI/A/E/25/00071**

**IN THE MATTER OF**

**Jitendar Sood**

... 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 present Appeal dated 30th March 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 is disposed of within 45 days.
  2. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00070, the Appellant had sought information pertaining to the differentiation in treatment of transfer charges between delivered and undelivered homes secured by a resolution professional (RP) of a real estate project undergoing CIRP. The Respondent CPIO has replied that the information sought is in the nature of "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 replied beyond the statutory timeline enshrined under Section 7(1) of the RTI Act.
  3. With regard to RTI Appeal Registration No. ISBBI/A/E/25/00071, the Appellant had sought information pertaining to the rights of the homebuyers whose voting rights in the CoC have been nullified by the RP. The Respondent CPIO has replied that the information sought is in the nature of "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 replied beyond the statutory timeline enshrined under Section 7(1) of the RTI Act.
  4. 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.

5. In this regard, I note that the Appellant had filed the RTI application on 17th February 2025, which was disposed of by the Respondent CPIO on 15<sup>th</sup> April 2025. The deadline to dispose of the impugned RTI Application expired on 19<sup>th</sup> March 2025. Thus, the application has been disposed beyond thirty days of its receipt by the Respondent CPIO, which violates the timeline enshrined under Section 7 of the RTI Act. Being CPIO of Public Authority like IBBI, the Respondent should be sensitive to timelines and disposal of information request. I would, therefore, encourage and urge the Respondent to consider the requirements of law while dealing with information requests under the RTI Act and dispose of RTI applications within the prescribed time. Since the Application has been disposed of by the Respondent satisfactorily, it does not warrant our further interference.
6. The Appeal is, accordingly, disposed of.

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

**Copy to:**

1. Appellant, Jitendar Sood
2. CPIO, The Insolvency and Bankruptcy Board of India, 7<sup>th</sup> Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110001.