

**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: 3rd September, 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/000107**

IN THE MATTER OF

Dhananjay Krishnanath Gaikwad

... 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 21st July 2025, challenging the communication of the Respondent, filed under the Right to Information Act (RTI Act). As the Appeal required detailed analysis of different provisions of the RTI Act, this Appeal is being disposed of within 45 days.
 2. The Appellant had requested the following information, "Referring to the letter dt. 10th June, 2025 sent to Sh. Dhananjay Gaekwad by IBBI, kindly share the following: 1. Copy of the entire papers of proceedings on record with IBBI regarding the examination of grievance raised by Dhananjay Gaekwad on dt. 6th January 2025 against Sh. Gaurav Adukia (Insolvency Professional) and ICSIIP, being examined by the Board. 2. Copy of all papers and proceedings, including office notings related to the finding of IBBI regarding no actionable material being found against Sh. Gaurav Adukia (Insolvency Professional). 3. Copy of the order under Sec.218 of IBC passed on receipt of the communication by Dhananjay Gaekwad on dt. 6th January 2025 against Sh. Gaurav Adukia (Insolvency Professional) and ICSIIP. 4. Copy of the entire papers of proceedings on record with IBBI regarding the prima facie opinion formed by IBBI under Reg. 7(4) of IBBI (Grievance and Complaint Procedure) Regulations, 2017 on the grievance raised by Dhananjay Gaekwad on dt. 6th January 2025 against Sh. Gaurav Adukia (Insolvency Professional) and ICSIIP. 5. Copy of the entire papers of proceedings on record with IBBI regarding additional information being sought by IBBI under Reg. 6 of IBBI (Grievance and Complaint Procedure) Regulations, 2017, on receiving the grievance raised by Dhananjay Gaekwad on dt. 6th January 2025 against Sh. Gaurav Adukia (Insolvency Professional) and ICSIIP." The CPIO has, *inter-alia*, provided the office-notings which reflects the examination of the complaint as raised by the Appellant. Aggrieved by the CPIO reply, the Appellant has filed the present appeal while reiterating the queries in the RTI application
 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 copy of the proceedings which records the examination of the grievance raised by Appellant against Sh. Gaurav Adukia (Insolvency Professional) and ICSI Institute of Insolvency Professionals (ICSI IIP). It is pertinent to note that the file-notings reflecting examination of the grievance have been provided earlier by the FAA (order dated 22.07.2025) and again by the CPIO in response to the present application. The letter dated 10.06.2025 has also been provided. On the material before me, the public authority has discharged its obligation vis-à-vis records that exist and are held.
5. Since the information as “*held by and under the control of public authority*” enshrined under Section 2(j) of the RTI Act has been provided to the Appellant, the CPIO is not obligated to create any new information. In ***A.K. Vasudev Vs. CPIO, M/o Consumer Affairs, Food & Public Distribution, New Delhi – 110001 (Second Appeal No. CIC/DOCAF/A/2018/137220)***, the Chief Information Commission has observed as follows: -

*“The Commission observes that at the outset it is clarified 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.”*In view of the aforesaid observations, the CPIO reply does not warrant my interference.
6. The Appeal is, accordingly, dismissed.

Sd/-
(Kulwant Singh)
First Appellate Authority

Copy to:

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