

**WHOLE TIME MEMBER AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

7TH FLOOR, MAYUR BHAWAN, NEW DELHI

DATED THE 6TH OF DECEMBER, 2018

Appeal No. ISBBI/A/2018/00019 (F. No. IBBI/RTI/KAPIL ARORA/211)

Dated: November 27, 2018

Arising out of Order dated November 05, 2018 under RTI Request No.
ISBBI/R/2018/00046

IN THE MATTER OF

Mr. Kapil Arora

.....

Appellant

Versus

CPIO, Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan

New Delhi

.....

Respondent

ORDER

1. The present Appeal No. ISBBI/A/2018/00019 dated November 27, 2018 received in the office of the First Appellate Authority (**FAA**), Insolvency and Bankruptcy Board of India under the Right to Information Act, 2005 has been preferred by Mr. Kapil Arora against the order dated November 05, 2018 of the CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to his RTI Request No. ISBBI/R/2018/00046 dated October 5, 2018.
2. On a detailed perusal of the RTI Application of Mr. Kapil Arora, it is observed that the appellant sought certain information pertaining to Registered Valuers and the Companies (Registered Valuers and Valuation) Rules, 2017, inter alia, asked-
 - (A) *“Please provide certified copy of books of accounts (Income and Expenditure Account) for total amount collected till date in account of examination being conducted for getting registered with IBBI as Approved Valuer.*
 - (B) *Please provide certified copy of names of persons who have appeared for more than 3 times in the aforesaid examination & haven't cleared the same till date.*

- (C) Please provide certified copy of document in which it is mentioned that M.Sc. in Valuation is an approved degree course u/s 22(3) of UGC Act.*
- (D) Please provide certified copy of document in which it is mentioned that M.Sc. in Valuation is an approved degree course by MHRD.*
- (E) Please provide certified copy of document in which it is mentioned that any degree which is not approved by UGC or MHRD can be termed as valid degree for getting membership of RVO.*
- (F) Please provide certified copy of document in which it is mentioned that any degree which is not approved by UGC or MHRD can be termed as valid degree for getting registration with IBBI under aforesaid rules.*
- (G) Please provide certified copy Hon'ble Supreme Court orders/directions given in year 2005 for valid degrees/certificate courses in India.*
- (H) Please provide list of approved degrees valid as on date for becoming eligible for getting membership of any RVO as well as giving examination being conducted by IBBI.*
- (I) Please provide certified copy of complaints received by IBBI against registered valuers under these rules.*
- (J) Please provide certified copy of action taken report on aforesaid complaint. “*

3. The respondent, CPIO, Dr. Anuradha Guru, Insolvency and Bankruptcy Board of India with respect to the RTI Request No. ISBBI/R/2018/00046 of the appellant, have provided the information as sought by the appellant vide her letter dated November 05, 2018.
4. The appellant raised the present appeal on the grounds that the requisite information has not been provided by PIO, *vis a vis*, the information so sought.
5. The present RTI appeal has been examined and I have perused the response provided by the respondent in respect of the queries raised in the RTI application.
6. In this regard the Hon'ble Supreme Court of India in *Thalappalam Ser. Coop. Bank Ltd. & Ors, v. State of Kerala & Ors. (Civil Appeal No. 9017 of 2013)*, while interpreting the term “information” enshrined in Section 2(f) of the RTI Act, 2005 has observed that “...citizens have a right to get information, but can have access only to the information “held” and under the “control of public authorities”, with limitations. If the information is not statutorily accessible by a public authority, as defined in Section 2(h) of the Act, evidently, that information will not be under the “control of the public authority”.

7. Further, The Hon'ble CIC in the matter of *Sh. Alok Shukla vs. CPIO, SEBI (File No. CIC/SM/A/2012/001838)*, held: *"While dealing with RTI, we should not forget that information means only an existing material record. The CPIO can provide the copy of the available records; he cannot create new records in order to address specific queries of the Appellant."*

8. In view of the above, it is observed that-

- (i) in respect of the RTI queries (B) to (H) and the grounds raised in the appeal thereto, *inter alia*, the appellant puts his concerns and grievances as to the Valuers examination, training, syllabus, requisite qualification, i.e., degree and the Companies (Registered Valuers and Valuation) Rules, 2017. Hon'ble CIC in the matter of *Shivanandan Yadav v. CPIO, Damodar Valley Corporation, Kolkata, Decision No. CIC/POWER/A/2017/105911, order dated 01.12.2017*, held that *"...RTI Act is not the proper law for redressal of grievances and that there are other appropriate fora for resolving such matters..."*.
- (ii) in respect of the RTI query (A), the respondent is directed to provide the information as available and permissible under the RTI Act, 2005.
- (iii) in respect of the RTI query (B), (I) and (J), the information is a third-party information and the appellants' grievance and grounds taken does not constitute a larger public interest as provided under the RTI Act, 2005.
- (iv) in respect of the RTI queries (C), (D), (E), (F) and (G), the information sought is not available with the Board.
- (v) in respect of the RTI query (H), the appellant may see the Companies (Registered Valuers and Valuation) Rules, 2017, which is available on IBBI website (www.ibbi.gov.in) under the heading 'legal framework'.

9. Accordingly, the appeal is disposed of.

Sd/-

(Dr. Navrang Saini)

Whole Time Member and First Appellate Authority

Copy to

1. Mr. Kapil Arora
2. CPIO, Insolvency and Bankruptcy Board of India
7th Floor, Mayur Bhawan
New Delhi