

**EXECUTIVE DIRECTOR AND FIRST APPELLATE AUTHORITY  
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

2<sup>nd</sup> Floor, Jeevan Vihar Building,  
Sansad Marg, New Delhi- 110 001  
**Dated: 19<sup>th</sup> September, 2020**

**IN THE MATTER OF**

**Mr. Kuntal Shah**

..... Appellant

Vs.

**Central Public Information Officer**

The Insolvency and Bankruptcy Board of India,  
2<sup>nd</sup> Floor, Jeevan Vihar Building,  
Sansad Marg, New Delhi- 110 001.

..... Respondent

**ORDER**

1. The appeals preferred *vide* letters dated 21<sup>st</sup> August 2020 are borne out of the application under Right to Information (**RTI**) Registration No. ISBBI/R/E/20/00095 and ISBBI/R/E/20/00096. As both these appeals are filed by the same appellant and the subject-matter involved are identical, a common order disposing them of is passed.
2. The information sought by the appellant under section 6 of the Right to Information Act, 2005 (**Act**) and the reply given by the respondent are as under:

<b>RTI Registration No. ISBBI/R/E/20/00095</b>			
<b>Sl. No.</b>	<b>Information Sought</b>	<b>Reply by CPIO</b>	
1.	How many large accounts (i.e. debt size above Rs. 2000 crore) have been admitted in IBC since notification of the Insolvency and Bankruptcy Code since 2016.	The details of the twelve large accounts initiated by banks as directed by RBI under the IBC are available in the quarterly newsletters published by the Board under Publications at <a href="http://www.ibbi.gov.in">www.ibbi.gov.in</a> .	
2.	In relation to CIRP (ongoing and completed, since notification of IBC in 2016) of large accounts (i.e. debt size above Rs. 2000 crore), please provide names and details of IPE entities which are providing / have provided support services to IRPs / RPs, together with names of Corporate Debtor and RP.	The details of the IPE and professionals engaged by the IRP/RP can be accessed from the disclosures filed for each CD on the website of the IPA, where the IRP/RP is a member. The location for accessing such disclosures on the website of each IPA is as under:	
		<b>S. no.</b>	<b>Name of IPA</b>
		<b>Website link</b>	<b>Tab on website</b>
		1	Indian Institute of Insolvency
			<a href="http://www.iiipicai.in">www.iiipicai.in</a>
			View Disclosures

		Professionals of ICAI	
2	ICSI Institute of Insolvency Professionals	<a href="http://www.icsiip.com">www.icsiip.com</a>	Disclosures
3	Insolvency Professional Agency of Institute of Cost Accountants of India	<a href="http://www.ipaicmai.in">www.ipaicmai.in</a>	Disclosures by IPs

**RTI Registration No. ISBBI/R/E/20/00096**

<i>Sl. No.</i>	<i>Information Sought</i>	<i>Reply by CPIO</i>
1.	Please provide details of all CIRP matters, ongoing and completed, since notification of IBC in 2016, including name of Corporate Debtor (CD), IRP/RP and details of support service provider(s) to RP/IRP.	<p>i. The number of the corporate insolvency resolution process (CIRP) admitted, closed and ongoing under the Insolvency and Bankruptcy Code, 2016 as on 31<sup>st</sup> March, 2019 are available in public domain on the website of IBBI, the link for which is <a href="https://ibbi.gov.in/publication">https://ibbi.gov.in/publication</a> in which the information is available in the quarterly newsletters published by IBBI.</p> <p>ii. The details of the corporate debtors (CDs) which have yielded in resolution/liquidation are also available in the newsletters published by IBBI.</p> <p>iii. The relevant orders passed by the Adjudicating Authority (AA) in the CIRP of CDs, including the appointment of IRP and RP are accessible on the website of NCLT</p>
2.	In how many CIRP cases (ongoing and completed, since notification of IBC in 2016), were the support service providers to RP / IRP registered of IPE entities.	(2) to (6)
3.	In relation to query 2 above, please provide the names and details of such IPE entities who were support service providers, name of Corporate Debtor and the IRP / RP.	<p>i. The details of IPEs recognised by the IBBI is available on its website at <a href="https://www.ibbi.gov.in/service-provider/professional-entities">https://www.ibbi.gov.in/service-provider/professional-entities</a></p> <p>ii. The IBBI has issued Circular no. IP/005/2018 dated 16.01.2018, which requires the Insolvency Professionals (IPs) to make disclosure, on the website of the IPA, in relation to appointment of professionals during CIRP.</p>

4.	Please provide details of entities which are providing or have provided support services to RP/IRP (i.e. ongoing or completed, since notification of IBC, 2016) and which are not registered as IPEs but are entities which have authorization of a regulator of any profession to render professional service.	iii. The details of the IPE and professionals engaged by the IRP/RP can be accessed from the disclosures filed for each CD on the website of the IPA, where the IRP/RP is a member. The location for accessing such disclosures on the website of each IPA is as under:			
5.	In relation to query 4, above please provide names of corresponding corporate debtor where such entities are providing support services in corporate insolvency resolution process.	<b>S. no.</b>	<b>Name of IPA</b>	<b>Website link</b>	<b>Tab on website</b>
6.	Please provide a list of all individuals and entities that have provided support services to IRP/RP in relation to any ongoing CIRP process or completed CIRP process (i.e. since notification of IBC in 2016).	1	Indian Institute of Insolvency Professionals of ICAI	<a href="http://www.iiipicai.in">www.iiipicai.in</a>	View Disclosures
		2	ICSI Institute of Insolvency Professionals	<a href="http://www.icsiip.com">www.icsiip.com</a>	Disclosures
		3	Insolvency Professional Agency of Institute of Cost Accountants of India	<a href="http://www.ipaicmai.in">www.ipaicmai.in</a>	Disclosures by IPs

3. In these appeals, the appellant has broadly submitted the following:

**RTI Registration No. ISBBI/R/E/20/00095 -**

- a. In RTI request No. 1, the information provided is only in respect of 12 large accounts whereas, the request is in the context of all large accounts where the debt value is more than 2000 crores and have been admitted under Insolvency and Bankruptcy Code, 2016 (**Code**), since 2016. Thus, the answer given by the respondent is vague and incomplete.
- b. In RTI request No. 2, the answer given by the respondent is incomplete as it refers to different websites of Insolvency Professional Agencies (**IPAs**), rather the request was specifically in respect of all accounts of debts of Rs. 2000 crores or more. Accordingly, the reply is not satisfactory and amounts to denial of information without reasonable cause. Lastly, the information available on the IPAs websites is not full and complete.

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- a. In RTI request No. 1, the reply by the respondent does not give details of the last part of the question, i.e. details of support service provider(s) to the RP/IRP, which seems to be ignored. Accordingly, the answer is vague and incomplete.

b. In RTI request Nos. 2 to 6, the respondent has completely ignored the specific queries in each question and has given a generic reply by clubbing queries 2 to 6 without any reason. The respondent has failed to answer in how many cases of CIRP, whether ongoing or completed, support services were provided to the RP/IRP; the respondent failed to provide the details of such support service providers; failed to provide details of entities who provided such support services and are not registered as IPEs; but are entities which have authorisation of a regulator of any profession to render professional service; failed to provide the names of corporate debtors in respect of which such entities are providing the support services; and has failed to provide a list of all individuals and entities that have provided support services to IRP//RP in relation to any ongoing CIRP process or completed CIRP process, since the notification of Code in 2016.

4. On the contrary, the respondent has submitted the following:

- a. The information sought by the appellant is not collated and maintained in the form in which it is sought. Further, such information is available in the public domain. There is no obligation under the Act to furnish information which is already available in public domain. However, in order to facilitate the appellant, in accessing such information smoothly, the names of IPAs and its web link (to view disclosures) were provided, as the IRP/RP submits the relationship disclosure on the website of IPAs, of which such IRP/RP is a member.
- b. The Board also maintains the registration number of each IP, along with the names of IPA where such IP is enrolled. The link for accessing the registration number along with name of IPA is as under - <https://www.ibbi.gov.in/ips-register/view-ip/1>
- c. The specific inputs were as under:

**RTI Registration No. ISBBI/R/E/20/00095 -**

IBBI does not maintain information with respect to CDs in CIRP based on their debt. However, the position with respect to 12 large accounts is published by the Board in its Quarterly Newsletter. Further, the details of CIRPs which have yielded resolution and liquidation, with details of claims, are also published by the Board on its website.

**RTI Registration No. ISBBI/R/E/20/00096 -**

The subject matter of the information was similar, and therefore, the same were clubbed and replied to. With respect to reply to RTI request No. 1, it was submitted that answer to requests No. 2 to 6 explains how details of professionals and IPEs engaged by IRP/RP can be accessed based on the disclosures made by them.

5. In view of the above, this FAA observes as follows:

**RTI Registration No. ISBBI/R/E/20/00095 -**

- a. The RTI request No. 1 was with respect to the number of entities having debt size above Rs. 2000 crore which have been admitted in IBC since notification of the Code i.e. in 2016. Instead of providing information regarding numbers directly, the respondent telescoped to the information contained in the Quarterly Newsletters, which is already made available by IBBI on its website. In this regard, the observations of the Hon'ble CIC in *Shri Ram Singh vs. Central Public Information Officer* (Decision No. CIC/YA/A/2014/000379/SB) dated 19<sup>th</sup> September 2016, are relevant:

*“The RTI Act mandates every public authority to provide as much information to the public including through internet so that the public have minimum resort to the use of the RTI Act to obtain information. Further, once information has been provided in public domain and on website then the information is no longer held by or under the control of any public authority and hence, is no longer accessible as ‘right to information’. Thus, the action of the CPIO is consonance with the RTI Act. The Commission, further observes that under the RTI Act only information available on records has to be provided, which has already been furnished to the appellant by the respondent.”*

Further, the Hon’ble CIC in *K. Lall vs. M.K. Bagri* (File No. CIC/AT/A/2007/00112) vide Order dated 12<sup>th</sup> April 2007 has observed the following:

*“...Section 2(j) of the RTI Act speaks of “the right to information accessible under this Act which is held by or under the control of any public authority...”. “...The use of the words “accessible under this Act”; “held by” and “under the control of” are crucial in this regard. The inference from the text of this sub-section and, especially the three expressions quoted above, is that an information to which a citizen will have a right should be shown to be a) an information which is accessible under the RTI Act and b) that it is held or is under the control of a certain public authority. This should mean that unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be ‘held’ or ‘under the control of’ the public authority and, thus would cease to be an information accessible under the RTI Act. This interpretation is further strengthened by the provisions of the RTI Act in Sections 4(2), 4(3) and 4(4)...”*

Above being the position that the information requested was not held by the public authority and was freely available in public domain, and the information regarding the data of CDs in CIRP has not been denied by the respondent, as also that the appellant could have very well taken the same from the website, this issue does not require further indulgence.

- b. As regards, RTI request No. 2, it is seen that the respondent provided information to the applicant as to the source of information i.e. the websites of different IPAs, as such information/data is maintained by them, and also that the same were already available in public domain. This FAA understands that there is no requirement under the Act to provide information to an applicant in the format of query made by them. In this regard, the following observations of the Hon’ble CIC in *Shri H. Tiwari v. Airport Authority of India* in Appeal No. CIC/RK/A/2016/000911/MP, dated August 10, 2017, is relevant:

*“...The Commission observes that the CPIO, under the RTI Act, is required to furnish information/documents as available on record and is not supposed to collect and collate information in the manner in which it was sought by the appellant. The Hon’ble Supreme*

Court in decision dated 09/08/2011 in the matter of CBSE & Anr. Vs. Aditya Bandopadhyay & Ors. (C.A. No. 6454 of 2011) held:

*“35...But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant...”*

*“67...The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing information furnishing, at the cost of their normal and regular duties.”*

The matter has been further clarified by the Division Bench of the Hon’ble Delhi High Court in its decision dated 07/01/2016 [LPA 24/2015 & CM No. 965/2015 in the Registrar of Supreme Court of India Vs. Commodore Lokesh K Batra & Ors.], holding as under:

*“15. On a combined reading of Section 4(1)(a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, “right to information” under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant.”*

The appellant has also stated in his appeal that he has accessed, collated and prepared a chart as **Annexure C** to the appeal. This clearly indicates that requested information was otherwise available and the respondent has rightly guided the appellant to such information. The Act does not mandate the CPIO to compile information already available on public domain and to provide the applicant in the format he wishes. Since such information was already available and was accessible, the respondent was justified in guiding the appellant in accessing the requested information and that he has not denied the appellant information. Hence, no interference in the information provided by the respondent is called for.

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- a. The RTI request No. 1 of the applicant pertains to the names of the support service providers appointed by RP/IRP in all the CIRP cases since the notification of IBC. The Request Nos. 2 to 6 of the appellant broadly pertains to the details about request No. 1. As stated by the appellant in the appeal, since common answers were given against RTI requests 2 to 6, the appellant challenged them on a common ground made out by them. This is the reason for it to appear to the appellant that the information provided by the respondent was vague and that it was unjustly clubbed by him. It is, therefore, seen that since the subject matter of the information sought was similar, the same were clubbed and replied to by the respondent. Thus, this FAA is satisfied that the respondent provided the appellant with the actual source of the information, i.e. websites of different IPAs for

obtaining the requested information. Further, IBBI Circular No. IP/005/2018 dated 16.01.2018, and the link for getting details of all the IPEs registered with the Board was also provided to the appellant. However, the appellant alleges that the information provided was vague and incomplete and that the appellant is not satisfied with the information provided. This FAA noted that the requests of the applicant are specific to points listed in the table above, however, appellant has succeeded in collecting and collating information he sought from the websites provided by the respondent. He prepared a chart (**Annexure C to the appeal**) which showed certain information and details of service providers, etc., from those websites. In view of the above, it is evident that the respondent has not denied the requested information as sought in the applications. Hence, there is no room for any direction to the respondent.

6. The appeals are, accordingly, disposed of as per the foregoing.

(Sd/-)

**(K. R. Saji Kumar)**

Executive Director and First Appellate Authority

**Copy to:**

1. Appellant, Mr. Kuntal Shah.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2<sup>nd</sup> Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.