

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

2nd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi - 110 001

Dated: 11th January, 2021

RTI Appeal Registration No. ISBBI/A/E/20/00028

IN THE MATTER OF

Mr. Jitender Kumar Jain

..... Appellant

Vs.

Central Public Information Officer

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

..... Respondent

ORDER

1. This appeal is borne out of the application under Right to Information (RTI) bearing Registration no. ISBBI/R/E/20/00191. 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:

Sl. No.	Information Sought	Reply by CPIO
1.	<i>Please provide the names of successful resolution applicant (case wise) where NCLT has approved the resolution plan.</i>	<i>The details of CDs which have yielded in resolution as on 30/09/2020, have been placed in public domain and the same is available on the website of IBBI (https://ibbi.gov.in/uploads/whatsnew/09e0440b2a6942e15e384a3d287d5158.pdf). The orders of Adjudicating Authority approving resolution plans submitted by successful resolution applicants are available on the website of NCLT.</i>

2. In this appeal, the appellant has submitted that the CPIO has refused the access to information and the 'names of resolution applicants' for each of the corporate debtor wherein the CIRP was successful, has not been provided by the CPIO.
3. Comments of the respondent were called for. The respondent has submitted that -
"The details of CDs which have yielded in resolution as on 30/09/2020, have been placed in public domain and the same is available on the website of IBBI (<https://www.ibbi.gov.in/uploads/whatsnew/9ec08a13fdaab7c36643f404b96b2010.pdf>). The same has been informed to the RTI Appellant vide email dated 28-12-2020 as well."

4. In this connection, the FAA notes that the applicant sought for the ‘*names of the successful corporate applicants (case wise) where NCLT has approved the resolution plan*’ from the CPIO. The respondent has however, provided him with the weblink to the data on ‘*Corporate Insolvency Resolution Processes Yielding resolution/Ending With Order of Liquidation: As on 30th September, 2020*’ and has stated that the orders of Adjudicating Authority approving resolution plans submitted by successful resolution applicants are already available in public domain i.e. on the website of the National Company Law Tribunal (NCLT), which is the Adjudicating Authority under the Insolvency and Bankruptcy Code, 2016.
5. In light of this, this FAA agrees with the CPIO that the information on successful resolution applicants is already available in the public domain i.e. Orders of NCLTs. Further, the Insolvency and Bankruptcy Board of India (IBBI) is not under obligation to maintain such data. Accordingly, no further information can be provided to the appellant.
6. Considering the above, this FAA feels that the CPIO cannot be asked to consolidate/collate the data on such successful resolution applicants as the CPIO is not required to collate/consolidate the information in a manner requested by the appellant if the same is not available with the IBBI. In this regard, the observations of the Hon’ble High Court of Delhi in *the Registrar Supreme Court of India v. Commodore Lokesh K. Batra & Ors* (LPA 24/2015 & CM No. 965/2015) may be relevant wherein, it was observed that:

“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 is sought by the applicant.**”

Further, the Hon’ble Supreme Court in the matter of *Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors.* (Civil Appeal no. 6454 of 2011) observed that:

“**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.....**”
7. In view of foregoing, the appeal is disposed of.

(Sd/-)

(K. R. Saji Kumar)

Executive Director and First Appellate Authority

Copy to:

1. Appellant, Mr. Jitender Kumar Jain.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.