

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

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi - 110 001
Dated: 10th January, 2022

RTI Appeal Registration Nos. ISBBI/A/E/21/00037 - ISBBI/A/E/21/00055

IN THE MATTER OF

Arvind Agrawal

... 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. The Appellant has filed 19 Appeals dated 14th December 2021, challenging the communications of the Respondent dated 1st December 2021 with regard to his 19 RTI applications dated 27th November 2021 filed under the Right to Information Act, 2005 (RTI Act) wherein he has requested for experience and qualification details of the following insolvency professionals (IPs) -

SI. No.	RTI Appeal Nos.	Name of IP	Registration No.
1.	ISBBI/A/E/21/00037	Mr. Amit Sharma	IBBI/IPA-002/IP-N00172/2017-18/10442
2.	ISBBI/A/E/21/00038	Mr. Rajeev Gupta	IBBI/IPA-002/IP-N00870/2019-2020/12766
3.	ISBBI/A/E/21/00039	Mr. Rajeev Ramesh Shah	IBBI/IPA-001/IP-P00312/2017-18/10576
4.	ISBBI/A/E/21/00040	Mr. Rajiv Chakraborty	IBBI/IPA-001/IP-P00602/2017-2018/11053
5.	ISBBI/A/E/21/00041	Mr. Desh Deepak	IBBI/IPA-001/IP-P00648/2017-2018/11105
6.	ISBBI/A/E/21/00042	Mrs. Ganatra Chaula Rajesh	IBBI/IPA-002/IP-N00735/2019-2020/12507
7.	ISBBI/A/E/21/00043	Mr. Manish Dhirajlal Kaneria	IBBI/IPA-001/IP-P00788/2017-2018/11343
8.	ISBBI/A/E/21/00044	Mr. Abhay Kumar	IBBI/IPA-002/IP-N00504/2017-2018/11559
9.	ISBBI/A/E/21/00045	Mr. Sanjay Sharma	IBBI/IPA-002/IP-N00913/2019-2020/12922
10.	ISBBI/A/E/21/00046	Mr. Anil Katia	IBBI/IPA-001/IP-P00002/2016-2017/10010
11.	ISBBI/A/E/21/00047	Mr. Girish Arun Shingote	IBBI/IPA-002/IP-N00478/2017-2018/11388
12.	ISBBI/A/E/21/00048	Mr. Chandra Prakash	IBB/IPA-003/IPA-ICAI-N-002009/2018-2019/12359
13.	ISBBI/A/E/21/00049	Mr. Anuj Bajpai	IBBI/IPA-001/IP-P00311/2017-2018/10575

14.	ISBBI/A/E/21/00050	Mr. Divyanshu Mishra	IBBI/IPA-002/IP-N00782/2019-2020/12479
15.	ISBBI/A/E/21/00051	Mr. Shashant Sudhakar Yeola	IBBI/IPA-001/IP-P00310/2017-2018/10574
16.	ISBBI/A/E/21/00052	Mr. Rajesh Samson	IBBI/IPA-001/IP-P00240/2017-18/10469
17.	ISBBI/A/E/21/00053	Niladri Chatterji	IBBI/IPA-001/IP-P-01896/2019-2020/12935
18.	ISBBI/A/E/21/00054	Ms. Neha Agarwal	IBBI/IPA-001/IP-P-01841/2019-2020/12861
19.	ISBBI/A/E/21/00055	Ms Manpreet Kaur Dhingra	IBBI/IPA-002/IP-N00505/2017-2018/11452

2. The Respondent, in his response dated 1st December 2021, had sent a common reply to all the 19 applications stating that information available with IBBI has been placed on website at <https://www.ibbi.gov.in/insolvency-professional>.
3. Being dissatisfied with above response, the Appellant has stated that he demands for 'work experience' of said IPs as no information in this regard is available on the website of IBBI.
4. I have carefully considered the applications, responses of the Respondent and the Appeals; and find that the matter can be decided based on the material available on record. Since the subject matters of all the Appeals are common, inextricably interconnected and a common response has been given by the Respondent, I deem it appropriate to dispose of all the Appeals by this common order.
5. It is matter of common knowledge now that the citizens' "*right to information*" envisaged in section 3 of the RTI Act is subject to the provisions of the RTI Act. 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. Further, section 2(j) of the RTI Act defines the "*right to information*" in terms 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.
6. From the responses of the Respondent, it is noted that, undisputedly, the requests of the Appellant have been considered by the Respondent as '*information*' requests. Thereafter, the question that could be gone into by the Respondent was to see whether such '*information*' is exempted under the provisions of section 8 of the RTI Act or not. Section 8(1)(j) of the RTI Act categorically provides that personal information cannot be supplied which has no public interest involved. The information request in the instant RTI Applications, at first blush, would show that information asked in the application of the Appellant regarding experience and qualification details of 19 IPs is certainly personal information regarding those IPs. However, as the details of prescribed qualification and experience required for registration as IP is held and available with IBBI and the same with respect to certain IPs

including following 13 out of said 19 IPs are also placed on website of IBBI, the disclosure would not amount to invasion in privacy of those IPs:

Sl. No.	Name of IP	Work Experience	Qualification
1.	Mr. Amit Sharma	Ten years' of experience as company secretary registered as a member of the Institute of Company Secretaries of India	Company secretary registered as a member of the Institute of Company Secretaries of India
2.	Mr. Rajeev Gupta	-	-
3.	Mr. Rajeev Ramesh Shah	15 Years of experience in management	-
4.	Mr. Rajiv Chakraborty	15 Years of experience in management	-
5.	Mr. Desh Deepak	15 Years of experience in management	-
6.	Mrs. Ganatra Chaula Rajesh	-	-
7.	Mr. Manish Dhirajlal Kaneria	15 Years of experience in management	-
8.	Mr. Abhay Kumar	15 Years of experience in management	-
9.	Mr. Sanjay Sharma	-	-
10.	Mr. Anil Katia	15 Years of experience in management	-
11.	Mr. Girish Arun Shingote	15 Years of experience in management	-
12.	Mr. Chandra Prakash	Advocate from 19/08/2003 to 28/01/2019	LLB
13.	Mr. Anuj Bajpai	15 Years of experience in management	-
14.	Mr. Divyanshu Mishra	-	-
15.	Mr. Shashant Sudhakar Yeola	15 Years of experience in management	-
16.	Mr. Rajesh Samson	15 Years of experience in management	-
17.	Niladri Chatterji	-	-
18.	Ms. Neha Agarwal	-	-
19.	Ms Manpreet Kaur Dhingra	15 Years of experience in management	-

7. The Appellant has contended that he wants to have 'work experience' of the aforesaid 19 IPs. It is relevant to mention that for grant of certificate of registration to an IP, IBBI takes into account the qualification and experience as specified in regulation 5 of the IBBI (Insolvency Professionals) Regulations, 2016. Thus, the specified qualifications and experience of the IPs are available on the website of IBBI and apprehension of the Appellant in this regard is misconceived.
8. I find that the aforesaid information about the IPs and its disclosure would not cause unwarranted invasion in privacy of those IPs and providing link of IBBI website for the aforesaid listed information was in accordance with settled law as held in by Hon'ble CIC in *Shri Girish Prasad Gupta vs. CPIO, Indian Oil Corporation* (decided on March 30, 2015) :-

“The Appellant raised two general issues in the course of the proceedings. Firstly, he stated that even in cases in which information is available on the website of the Respondents, hard copies of the same should be provided to him. With regard to the first issue, we note that the information that is placed by a public authority on its website is already available in the public domain and is, therefore, not under the control of the public authority. It can be obtained by any interested person by consulting the relevant website. If public authorities are required to provide hard copies of the information, already available on their website as part of suo motu disclosure, such suo motu disclosure will become futile, because the very purpose of such disclosure is to ensure that applicants do not have to approach public authorities to get a good deal of information already placed by them on their website.”

9. However, I note that the qualification and experience about certain IPs as described in Table in para 6 above is not reflecting on the website of IBBI. This information is held and is available on records of IBBI and non-disclosure could possibly be because the applications of those IPs might have been earlier processed offline. As the partial information regarding said 19 IPs are placed in public domain and has been shared with the Appellant, I do not find any reason to deny the complete information about qualification and experience of all the said 19 IPs as available on record to the Appellant. Further, providing this information would not disproportionately result in diversion of resources of IBBI. Therefore, I direct the Respondent to provide the information regarding requisite qualification and experience of all the aforesaid IPs within 10 days of receipt of this Order.
10. The Appeal is accordingly disposed of.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

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