

Before the Appellate Authority under Right to Information Act, 2005
Reserve Bank of India, Central Office, Mumbai.
Appeal No. RBIND/A/E/24/00806

Name of the Appellant	Shri Debaprasad Bandyopadhyay
Date of receipt of RTI Application	June 22, 2024
CPIO, Department of Regulation (DoR)	RIA No. RBIND/R/E/24/04068 Reply dated July 19, 2024 [Annex A]
Date of receipt of first Appeal	August 24, 2024

1. I have perused the papers and considered the contentions of the appellant.

2. **Ground:** Refused access to information requested.

My observations:

3. In his RTI application received on June 22, 2024, the appellant requested the CPIO to provide information pertaining to the expenditure incurred by the Committee of Creditors (CoC), appointed by RBI for Dewan Housing Finance Corporation Limited (DHFL) and raised the queries as under:

"Kindly inform me regarding the total expenditure (with break up) in the RBI-appointed Committee of Creditors for the Dewan Housing Finance Corporation Limited (DHFL). With reference to the above, please also inform me with regards to the following:

- 1. The amount of money reserved for the resolution professionals belonging to the CoC for DHFL for the purpose of future expenditure in litigation purposes.*
- 2. What is the source of this money for future expenditure in the court of law?*

Please answer in precise and specific terms, satisfying the aforementioned queries. Please do not refer to any online documents since I am not a tech-savvy person."

In response to the same, the CPIO, DoR provided reply vide his letter dated July 19, 2024, wherein he informed the appellant that the information sought is not available. The CPIO further informed the appellant that his RTI application has been transferred to the Insolvency and Bankruptcy Board of India (IBBI) under section 6(3) of the RTI Act.

4. Not satisfied with the reply furnished by the CPIO, the appellant has preferred the first appeal stating that the information sought vide his RTI application was with regard to RBI appointed CoC for DHFL's total expenditure. He has also raised two fresh queries as under: -

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"a) How did the same RBI (that appointed the CoC for DHFL in 2019) along with the IBBI (dealing with insolvency related information) could not provide me with certain information regarding the RBI-appointed CoC for DHFL, the first shadow bank that was put under the IBC (2016)?

b) Can you please tell me the concerned authority that can answer my previously raised queries by supplying me with the necessitated information?"

The appellant has requested the First Appellate Authority to provide him the specific answers of these fresh queries.

5. I have carefully considered the RTI application, the reply given by the CPIO and the contentions made in the appeal. Under the RTI Act, the role of the First Appellate Authority is to see whether the CPIO has acted in conformity with the provisions of the RTI Act, 2005 and has provided the available information to the appellant. The CPIO is not supposed to create information or interpret information in order to satisfy the query of the applicant. Further, it is clarified that the RTI Act does not cast an obligation upon the CPIO to collect or collate non- available information and then furnish it to an applicant. Since the CPIO has informed that the information sought is not available, the question of providing information does not arise and the appellate authority cannot issue any direction to the CPIO to procure or collect the information sought and provide it to the appellant.
6. Further under section 6(3) of the RTI Act, where an application is made to a public authority requesting for some information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the CPIO of the public authority receiving the RTI application has a statutory duty to transfer the said application to the concerned public authority. In the present case, since it appeared to the CPIO, that the subject matter pertaining to the information sought is connected with IBBI, he has transferred the application to IBBI for providing the available information to the appellant which is the correct step on the part of the CPIO.
7. I also observe that in the appeal, the appellant has raised two fresh queries which were not raised in the RTI application. In this regard, it may be pointed out that for the appellant to seek fresh query, he has to make a fresh RTI application to the CPIO under the RTI Act. The appellant cannot seek any additional information from the Appellate Authority which was not sought from the CPIO. In this context reliance is placed on the Hon'ble CIC's decision in the matter of **Shri Harish Prasad**

Divedi v. Bharat Petroleum Corporation Ltd. in Case No. CIC/LS/A/2013/001477SS, wherein it was held as under:

"The information now sought by the Appellant in the present appeal did not form part of his original RTI application. Therefore, the Commission is not in a position to allow the disclosure of the information which had not even been sought by the appellant in his RTI application. An information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. No disclosure can, therefore, be directed to be made in the present appeal of the Appellant. The Appellant, however, may file a fresh RTI application, if he so desires".

In view of the above observations, I do not find any merit in the appeal and there is no scope to interfere with the reply of the CPIO.

8. **The appeal is therefore dismissed.** This order may be served upon the appellant.



[Charulatha S. Kar]
Executive Director & First Appellate Authority

20.09.2024