BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
SECURITIES AND EXCHANGE BOARD OF INDIA

Appeal No. 6609 of 2025

Nitish Kumar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 24, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated November 03, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00288) dated November 03, 2025. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record.

2. **Query in the application** - The appellant, in his application dated October 24, 2025, sought the following information:

"1. Complete details of the actions taken by the NSE dealing officer in relation to Complaint No. SEBIE/HY25/KURU/024585/1, including:

a. Reason(s) for premature closure of the complaint.

b. Records of communications, emails, or notes related to the handling of this complaint.

c. Any internal review or approval process followed before closing the complaint.

2. Records of any disciplinary action or review initiated against the dealing officer in connection with the mishandling of my first complaint.

3. Guidelines and standard operating procedures followed by NSE in handling complaints, particularly in cases involving physically handicapped persons.

4. Any correspondence between SEBI and NSE regarding my complaints SEBIE/HY25/KURU/024585/1 and SEBIE/HY25/031689/1."

3. **Reply of the Respondent** –The respondent, in response to query no. 1 (a) in the application, informed that the information sought is in the nature of seeking clarification/opinion/reasoning. Accordingly, the same cannot be construed as "Information" as defined u/s 2(f) of the RTI Act.

The respondent, in response to query nos. 1(b), 1(c) and 4 informed that appellant can access the complaint status and Action Taken Report by logging in with login credentials on SCORES portal.

The respondent, in response to query nos. 2 & 3**,** informed that information sought is not available with SEBI.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.

5. I have perused the application and the response provided thereto. With respect to query no. 1 (a), I concur with the response of the respondent that the query of the appellant is in the nature of seeking clarification/opinion from the respondent. I find that the said query cannot be construed as seeking 'information' as defined under section 2(f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) wherein Hon'ble Central Information Commission(**CIC**) observed that "*7. The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/opinion/advice/confirmation/clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/opinions/advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him."* I also note that query is in the nature of seeking justification and reasons for certain action/non-action from respondent. In this context, reliance is placed

on the decision of Hon'ble High Court of Bombay in *Dr. Celsa Pinto, Ex-Officio Joint Secretary (School Education) vs. the Goa State Information Commission* (Judgment dated on 3 April, 2008) held that "*The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information*." Accordingly, I do not find any deficiency in the response of the respondent.

6. With regard to the query nos. 1(b), 1(c) and 4, I note that respondent has informed that the action taken and the status of the complaint can be viewed by the appellant from SCORES. Therefore, I find that the respondent has adequately addressed the queries.

7. With regard to query nos. 2 and 3, I note that the respondent, in his response, has categorically mentioned that the requested information is not available with SEBI. In this context, I note that the Hon'ble Central Information Commission in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: "… *if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given.*" Accordingly, I do not find any deficiency in the response of the respondent.

8. The appellant, in his appeal, has also contended that if the information sought is not available with the respondent, his query ought to be transferred to NSE under section 6(3) of RTI Act. On the context of applicability of the RTI Act to NSE, I note that the Hon'ble CIC, in the matter of *R S Malik vs. CPIO, SEBI and Another* (Order dated April 27, 2023) observed that *"The Commission at the outset clarified during the hearing that the matter regarding applicability of the RTI Act, 2005 to National Stock Exchange of India Limited (NSE) is sub judice and has not attained finality. The applicability of the RTI Act, 2005 to NSE was affirmed by the Single Bench of the Hon'ble High Court of Delhi in National Stock Exchange v. Central Information Commission, W.P(C) 4748/2007 vide order dated 15.04.2010. However, the division bench of the Hon'ble High Court of Delhi, in National Stock Exchange v. Central Information Commission, LPA 315/2010 vide order dated 04.05.2010, stayed the aforementioned judgment which had interpreted NSE as a "public authority" under the RTI Act, 2005. Therefore, the Commission held that as per the current legal position, the NSE does not come under the purview of the RTI Act, 2005....."* Accordingly, I find that no further interference of this forum is warranted.

9. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The appeal is accordingly dismissed.

Place: Mumbai
Date: November 28, 2025

RUCHI CHOJER
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA