

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

Appeal No. 5625 of 2023

Nirbhay Nath Das	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 11, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 10, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00059) dated March 12, 2023. 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. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in his appeal, *inter alia*, submitted that most of his queries were unanswered. In view of the submissions made by the appellant, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query number 1-** The appellant, vide query number 1, sought the following information:

“1. Is/was Pradyumna Agrawal/Gupta/Anshul Gupta(Same person operating with different names) Owner/Director of two companies 1. Money Growth Research 2. Capital via Research? If not who is the director/owner of these two companies?”
4. The respondent, in response to the aforesaid query, informed that the query is in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act.
5. I have perused the query and the response provided thereto. On consideration, I find that the query is in the nature of seeking clarification from the respondent. In my opinion, the CPIO is not supposed to provide clarification; or to interpret information; or to compile information as per the desire of the

appellant under the ambit of 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 the Hon'ble 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/advice 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.” In view of these observations, I find that the said query cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. Accordingly, I do not find any deficiency in the response.

6. **Query numbers 2 and 5-** The appellant, vide query numbers 2 and 5, sought the following information-

“2. How many employees are/were working in these two companies with their names? How many investors have invested in these two companies?

5. How many companies are operating under the name of this person? Please help providing the details on above mentioned questions/ pointers with enough information available or possible.”

7. The respondent, in response to the aforesaid queries, informed that the queries are vague and not specific and accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act, 2005.
8. I have perused the queries and the response provided thereto. On consideration, I agree with the response of the respondent that the queries are vague and not specific. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble CIC held: “*The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.*” In view of these observations, I do not find any deficiency in the response.

9. **Query number 3-** The appellant, vide query number 3, sought the following information:

“4. How many complaints on these two companies are registered in SEBI?”

10. The respondent, in response to the aforesaid query, informed that Money Growth Research is not registered with SEBI in any capacity and no complaints are lodged in SCORES against the said entity. In respect of Capital via Research, the respondent informed that an entity is registered as an investment Advisor under the name “Capitalvia Global Research limited”. The respondent also informed that as on date, as per SCORES, 698 complaints were received and 698 were resolved in respect of Capitalvia Global Research limited.
11. I have perused the query and the response provided thereto. On consideration, I find that the respondent has adequately addressed the query by providing the information available in the records. In view of the same, I do not find any deficiency in the response.
12. **Query number 4-** The appellant, vide query number 4, sought the following information:

“4. What is the bank account details of these two companies along with GST number.”

13. The respondent, in response to the aforesaid query, informed that the requested information is not maintained by SEBI in the normal course of regulation of securities market. Hence the same is not available with SEBI. The appellant, in his appeal, *inter alia*, requested to get the GST number from GST department.
14. I have perused the query and the response provided thereto. On consideration, I do not find any reason to disbelieve the response of the respondent that the requested information is not maintained by SEBI in the normal course of regulation of securities market. In this context, I note that the Hon’ble CIC, in the matter of *Lakshminarayanan R vs. SEBI* (order dated February 09, 2023) observed that *“Keeping in view the facts of the case, the Commission observed that the information sought by the appellant regarding Central Depository Services Ltd. was not maintained by the respondent authority in the normal course of regulation of securities market. It is an established law that the information sought for in order to be disclosable under the RTI Act, 2005 must be existent and available in the records..... In the instant case, the desired information was not available in the records of the respondent authority. The CPIO in his reply and written submissions has also sufficiently explained the reason for denial of information in the present case. Therefore, the denial is justified and upheld accordingly.”* In view of these observations, I do not find any deficiency in the response.

15. 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: April 10, 2023

B RAJENDRAN

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