

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

**Appeal No. 5569 of 2023**

|                    |    |            |
|--------------------|----|------------|
| Samyak Kumar Jain  | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated December 24, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 17, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00019) dated January 17, 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. **Queries in the application** –The appellant, vide his application dated December 24, 2022, sought the following information:

*“This is regarding the press release number PRNo.38/2022 of SEBI dated 20-December -2022 in which it is directed to stock exchanges to extend the trading restriction on select agri commodities. I, as an Indian citizen would like to know on what ground or observations SEBI made this decision to extend the ban on trading of these commodities as I was not able to find any research that support the same in public domain. Please provide the copy of all the supporting documents, or research paper that supports your decision making.”*
3. The respondent, in response to the aforesaid query, informed that the information sought by the appellant is in the nature of seeking clarification/opinion of SEBI regarding extension of the ban on trading of the commodities suspended in December 2021. Accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, stated that he had sought the documents or research done by SEBI before extending the ban.

5. I have perused the application and the response provided thereto. On consideration, I find that the query of the appellant is in the nature of seeking clarification/opinion from the respondent. I note that the respondent is not supposed to create information; or to interpret information; or to furnish clarification to the appellant under the ambit of the RTI Act. 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, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon'ble CIC. Accordingly, I do not find any deficiency in the response.
6. 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: February 09, 2023**

**ANAND BAIWAR**

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