

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

Appeal No. 6330 of 2025

Vyankatesh Shailesh Khiste : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated February 10, 2025 (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, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00044) dated March 10, 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. **Queries in the application** - The appellant, in his application dated February 10, 2025, sought the following information:

“ 1.In last 4 years(2021-2024) how many time SEBI have finned Angle one for wrongdoing or not following compliance.

2. Does SEBI check the audit report of subroker done by Angle one last year and did they find any wrongful termination of a subroker because of company poltics.

3. Have SEBI looked into complaint against regional manager of Angle one and if they was being found wrong what actions have been taken against them.

4. Does SEBI have reviewed all the termination of subroker in 2024 and cross check if the audit was done in an ethical way without being an interface of any regional manager.

5. Does all the termination done in the year 2024 have been reviewed by sebi and check for compliance followed and not done because of any complaint against there managers”

3. **Reply of the Respondent** - The respondent, in response to query no. 1 in the application, informed that information about any enforcement action taken by SEBI is available on SEBI website under the head “Enforcement”.

The respondent, in response to query nos. 2 to 5 informed that appellant’s queries are in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as “Information”, as defined u/s 2(f) of the RTI Act. Notwithstanding the aforesaid, the respondent has also informed that appellant can approach the Stock Broker for matter related to withdrawn/cancellation of registration of authorised person.

4. **Ground of appeal** – On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the application and the response provided thereto. With regard to query no.1, I find that the respondent has categorically stated that the information about any enforcement action taken by SEBI is available on SEBI website under the head “Enforcement”. I note that the requested information can be found out by the appellant himself by accessing the information available on the SEBI website, which is in the public domain. The respondent cannot be expected to research and compile the information which is already available in the public domain and then provide the same to the appellant. In this context, the Hon’ble Delhi High Court in *Registrar of Companies & Ors. Vs. Dharmendra Kumar Garg & Anr.* (order dated June 01, 2012) and the Hon’ble Central Information Commission (**CIC**) in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) *inter alia*, held that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. Notwithstanding the same, I note that the respondent has guided the appellant to access the relevant information which is available in the public domain. In view of the same, I find that the query has been adequately addressed and no further intervention is warranted at this stage.
6. With regard to query nos. 2 to 5, I concur with the respondent that the said queries are in the nature of seeking clarification/opinion from the respondent. I find that the said queries 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 the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, 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” Accordingly, I do not find any deficiency in the response. Notwithstanding the aforesaid, I find that the respondent has guided the appellant to approach the Stock Broker for information regarding cancellation of registration of authorised person.

7. 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: March 27, 2025

RUCHI CHOJER

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