

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

Appeal No. 4686 of 2022

Vikas Bengani	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 09, 2022 (received by SEBI on February 11, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 16, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated February 23, 2022 (received by the Office of Appellate Authority on February 25, 2022). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Query number 1-** The appellant, vide his application dated February 09, 2022, sought the following information pertaining to Certificate Nos. 211, 231 and 288 of 2014 issued by Recovery Department, SEBI, against Late Mr. Vinod Hingorani:
 1. *Under any of the aforesaid Certificates, SEBI has passed any order to attach the Flat No. D/63, Punarvasu Srushti, Sector-3, Mira Road, Thane- 401104 held in the name of Mr Suresh Basantaani?*
 2. *Under any of the aforesaid Certificates, has SEBI written any letter to the Office bearer(s) of the Punarvasu Co-operative Housing Society to not to transfer the Flat No. D/63, Punarvasu Srushti, Sector-3, Mira Road, Thane- 401104 till further order or permissions from SEBI?*
3. The respondent, in response to the aforesaid queries, informed that the requested information is exempt from disclosure under Section 8(1)(j) of the RTI Act as the same relates to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the individual. Further, the respondent informed that any attachment order passed against any entity is available on the SEBI website. The respondent also provided the link for accessing the orders passed by SEBI with respect to Recovery Proceedings.

4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, submitted that the requested information is neither in the nature of personal information nor causes unwarranted invasion into the privacy of any individual. The appellant also submitted that attachment of property by SEBI cannot be termed as personal.

5. I have perused the queries and the response provided thereto. On consideration, I find that the answer to the query number 1, can be found out by the appellant by accessing the information available on the SEBI website, which is in the public domain. I note that Hon'ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that *"..... unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act."* In view of these observations, I find that the respondent cannot be obliged to provide a response to such request for information, as made by the appellant through his application. Notwithstanding the same, I find that the respondent has guided the appellant to access the relevant information which is available on the SEBI website. In my view, the query is adequately addressed. Accordingly, I do not find any deficiency in the response.

6. With respect to query number 2, I find that the query is more in the nature of seeking clarification/confirmation from the respondent. In this context, I note that the Hon'ble CIC, in the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), 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."* In view of

these observations, I find that the respondent cannot be obliged to provide a response to such request for information, as made by the appellant through his application.

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 22, 2022

**S V MURALI DHAR RAO
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA**