

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

Appeal No. 5003 of 2022

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

ORDER

1. The appellant had filed an application dated February 09, 2022 (transferred by the Department of Economic Affairs to SEBI through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 18, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated April 21, 2022.
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated February 18, 2022. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I have considered the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.
4. **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, submitted that he has a right to know the information regarding investigation. I note that the appellant had previously filed a similar application in the matter of Swasata Steel Industries Ltd. and Swasata Cement Ltd. Further, this forum had passed an order dated March 30, 2022 with respect to the said application. Accordingly, I am dealing with the queries raised in the extant application and the response provided thereto in the following paragraphs.

5. **Query numbers 1, 2 and 4**—The appellant, vide query numbers 1, 2 and 4, sought the following information—

1. *Where has inquiry reached of SWASTA Steel Limited and SCL LIMITED fraud case.*
2. *What action taken up against SWASTA Steel Limited and SCL LIMITED.*
4. *How many time it will take to refund investors money. Provide complete information and any other related information.*

6. The respondent, in response to the aforesaid queries, *inter alia*, informed regarding the orders dated October 13, 2017 and February 01, 2018 passed by SEBI, in the matters of Swasata Steel Industries Ltd. and Swasata Cement Ltd., respectively. The respondent also provided the links for accessing the said orders available on the SEBI website. Further, the respondent provided information regarding the recovery proceedings initiated in both the matters. The respondent also mentioned that the process of refund would be initiated after a substantial amount of money is recovered from the companies and/or its Directors and the same shall be notified on the website of SEBI.

7. I have perused the queries and the response provided thereto. On consideration, I find that the respondent has addressed the queries by providing the information available with him. Further, I note that the respondent has guided the appellant to access the orders dated October 13, 2017 and February 01, 2018 passed by SEBI, which are available in the public domain. In view of the same, I do not find any deficiency in the response.

8. **Query number 3**—The appellant, vide query number 3, sought the following information:

“3. How many time it will take to inquiry complete of SWASTA Steel Limited and SCL LIMITED.”

9. In response to the aforesaid query, the respondent 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.
10. I have perused the query 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. It is understood 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. 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. Further, in the matter of *Shri Shantaram*

Walavalkar vs. CPIO, SEBI (Decision dated January 17, 2013), I note that the Hon'ble CIC held: "... *we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...*". 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.

11. 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: May 17, 2022

S V MURALI DHAR RAO

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