

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

Appeal No. 6073 of 2024

Sonia Nagpal	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/P/24/00121) dated May 21, 2024 (received by SEBI on May 24, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 11, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated June 24, 2024 (received by the Office of Appellate Authority on July 02, 2024). 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. **Request in the application** - The appellant vide her application dated May 21, 2024, referred to SEBI’s Adjudication order dated August 30, 2022 in the matter of Unickon Securities Pvt. Ltd. and sought the following information:

“The Breakup of the penalty imposed on me as per SEBI Act, 1992 and SEBI (PFUTP) Regulation 2003 totalling to Rs. 15 lacs

(i) Penalty imposed for violation of provision of section 12 A (b) & (c) of the SEBI Act
(ii) Penalty imposed for violation of Regulation 3 (a) and (d) of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003.
(iii) Penalty imposed for violation of Regulation 4 (1) of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003.”
3. **Reply of the Respondent** - The respondent, in response to the aforesaid requests, informed that Adjudication Order passed in the matter is self-explanatory and the same is available on SEBI Website. The respondent provided the relevant link to access the said order on SEBI website.
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. I note that the appellant is, *inter alia*, seeking justification/clarification/explanation regarding the breakup of the penalty imposed on him vide Adjudication Order dated August 30, 2022. In this regard, I note that the information sought by the appellant appears to be in the nature of seeking clarification/explanation. 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. I find that the said request 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 explanation 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 Central Information Commission (hereinafter referred to as "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.
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: July 29, 2024

RUCHI CHOJER

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