

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

Appeal No. 4696 of 2022

Kuldeep Mahobia	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 13, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 04, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated March 08, 2022, against the said response dated March 04, 2022. 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 February 13, 2022, *inter alia*, sought information regarding why repayment is not done by Shukul Wealth Advisory (SWA) and Shukul Wealth Creator LLP, as per the timeline of February 12, 2022 given in the SEBI Order. The appellant also queried when the repayment will be completed. The appellant also requested to take action against SEBI WRO officials.
3. The respondent in response to the aforesaid queries, informed that the queries are in the nature of seeking action/clarification from SEBI. Hence, 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 information provided was incomplete, misleading or false information. The appellant, in his appeal, reiterated the queries raised in his appeal. The appellant also queried why his amount of Rs. 10300 was not paid.
5. I have perused the query and the response provided thereto. On consideration, I find that the queries are in the nature of seeking action/ 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 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/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. 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...". Further, I note that the appellant has requested the respondent to take certain action against SEBI officials, under the RTI Act. In this regard, I note that in the matter of *Shri Matloob Ahmed v. Delhi Police, East District* (Decision dated January 11, 2013), the Hon'ble CIC held: "The R.T.I. Act cannot be used to make the respondent to do certain things or to take certain action." In view of these observation, I find that the respondent has adequately addressed the queries and no further intervention is warranted at this stage.

6. Further, I note that the appellant, in his appeal, *inter alia*, raise a query regarding why his amount of Rs. 10300 was not paid. I find that this request was raised by the appellant for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said request does not warrant consideration at this stage.
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 30, 2022

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