

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

**Appeal Nos. 6227 & 6228 of 2024**

|                    |    |            |
|--------------------|----|------------|
| Geeta Khattar      | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed two identical applications (Reg. No. SEBIH/R/E/24/01313 and Reg. No. SEBIH/R/E/24/01312) dated October 13, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a common letter dated November 05, 2024, responded to the aforesaid applications filed by the appellant. The appellant filed two appeals (Reg. No. SEBIH/A/E/24/00274 dated November 9, 2024 and Reg. No. SEBIH/A/E/24/00275 dated November 10, 2024) against the said response dated November 05, 2024. I have carefully considered the applications, the responses and the appeals and find that the matter can be decided based on the material available on record.
2. **Ground of appeal-** The appellant has filed the appeals on the ground that the information provided was incomplete, misleading or false information.
3. **Query nos. 1 and 2 in the application:** The appellant, vide her query nos. 1 & 2 in the applications dated October 16, 2024 and October 13, 2024, sought the following information:

*“A/ under the attachment, proofs are attached where the GOI has provided that Contract Note (Bill/ Invoice) Format cannot be changed & Contract Note (Bill/ Invoice) will be issued as per the prescribed Format only.*

*B/ HDFC Securities changed Format & issued a different Contract Note (Bill/ Invoice) & debited the amount of Rs. 9,389.94 against G.O.I. Taxes in club/ together Form which cannot be calculated by me/ investor.*

*Query no. 1/ please provide a copy of approval obtained by HDFC Securities from the G.O.I. against which Contract Note (Bill/ Invoice) Format is changed by HDFC Securities & said Stockbroker issued a different Contract Note (Bill/ Invoice) & debited the amount of Rs. 9,389.94 against G.O.I. Taxes in club/ together Form.*

*Query no. 2/ at what rate of percentage the GOI has given approval to HDFC Securities to debit/ charge in club/ together form against the GOI Taxes.”*

4. **Reply of the Respondent** - The respondent, in response to query nos. 1 & 2 informed that the queries sought by the appellant do not pertain to SEBI. Hence, the information sought is not available with SEBI.
5. I have perused the aforesaid queries and the response provided thereto. On consideration, I note that respondent has clearly informed that information sought by the appellant does not pertain to SEBI and hence, is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon’ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that “*The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.*” Accordingly, I do not find any deficiency in the response of the respondent.
6. **Query no. 3 in the application:** The appellant, vide her query no. 3 in the applications, sought the following information:  
  
*“Query no. 3 / to which department of SEBI has the power to issue Order under Section 15HA, 24 & 27 of the SEBI Act, 1992 plus other G.O.I. Laws if the amount Rs. 9,389.94 against G.O.I. Taxes is NOT debited/ charged as per the prescribed structure by HDFC Securities.”*
7. **Reply of the Respondent** - The respondent, in response to query no.3 in the applications, informed that the query of the appellant is 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.
8. I have perused the aforesaid query and the response provided thereto. On consideration, I note that the query of the appellant is in the nature of seeking clarification/opinion from the respondent regarding situational query. I find that the said query cannot be construed as seeking ‘information’ as defined under section 2(f) of 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 (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/ 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 did not have an obligation to provide clarification/ opinion/ guidance for such requests pertaining to hypothetical situations under the RTI Act.

9. Accordingly, I do not find any deficiency in the response of the respondent.
10. **Query no. 4 in the application:** The appellant, vide her query no. 4 in the applications, sought the following information:

*"Query no. 4/ Provide the department name in SEBI that provide approval to Stockbrokers to change Format of Contract Note (Bill / Invoice) & also provide approval to debit / charge the amount against the Govt. Taxes in club / together Form."*

11. **Reply of the Respondent** - The respondent, in response to query no.4 in the applications, informed that the activities pertaining to stock brokers are handled by Market Intermediaries Regulation and Supervision Department of SEBI. Further, with respect to query pertaining to charges being levied against Government taxes, the respondent informed that the same are levied as per the extant laws of Government of India. Therefore, respondent informed that the information sought is not available with SEBI.
12. I have perused the query and the response provided thereto. I note that the respondent has adequately addressed the said query providing the information available with him. Further, w.r.t to query pertaining to charges being levied against Government taxes, the respondent has clearly mentioned that the information is not available with SEBI. Additionally, I am also of the view that the said query is also in the nature of seeking clarification/ opinion from the respondent. Accordingly, I do not find any deficiency in the response of the respondent.

13. 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: December 05, 2024**

**RUCHI CHOJER**

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