

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

Appeal No. 4986 of 2022

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

ORDER

1. The appellant had filed an application dated March 02, 2022 (received by SEBI on March 03, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 29, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated April 06, 2022 (received by the Office of Appellate Authority on April 11, 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. **Queries in the application-** The appellant, vide query number 1, *inter alia*, queried whether SEBI, in compliance with the para 78 of the Order dated March 06, 2018 passed by Ld. WTM, SEBI, has placed a copy of the said order before the Hon’ble High Court of Patna in the matter of Company petition No. 4/2000, before the Court of Metropolitan Magistrate, Saket, Delhi in the matter of FIR No. 334/98 for the offences under Sections 420/409/120B of the Indian Penal Code, and before the Office of District Magistrate, Patna, in connection with the matter bearing no. 119/2013-2014. Vide query number 2, the appellant sought information regarding steps taken to comply with the observation made by the Hon’ble SAT in para 6 of the order dated October 01, 2021. Vide query number 3, the appellant sought the reason(s) if no steps have been taken.
3. The respondent, in response to the aforesaid queries, informed that the queries are 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. However, that with respect to filing an application before the Hon’ble High Court, Patna, it was informed that SEBI was not a party in that case. However, SEBI had shared a copy of SEBI’s order dated March 06, 2018 with the Registrar of Companies- Cum Official Liquidator, Bihar, who was also appearing in the matter in the capacity of

Official Liquidator, for filing the same in the Hon'ble Court whenever the matter would be listed and taken up. The respondent also informed that the case has not been listed since July 12, 2018.

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, *inter alia*, submitted that the information sought by the appellant is not in the nature of clarification or opinion. The appellant also submitted that the requested information was either not provided or provided incomplete.
5. **Query number 2-** I have perused query and the response provided thereto. On consideration, I find that that the respondent has adequately addressed the query by providing the information available with him. In view of the same, I do not find any deficiency in the response.
6. **Query numbers 1 and 3-** With respect to query number 3, it is observed that the queries are more in the nature of seeking clarification/confirmation/opinion from the respondent. I note that the respondent 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. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) where similar information was sought by the appellant. The Hon'ble CIC, in the said matter, observe 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 said queries cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act.

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: May 09, 2022

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