

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

Appeal No. 5383 of 2022

Rasal Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 17, 2022 (received by SEBI on July 18, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 28, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated August 18, 2022 (received by the Office of Appellate Authority on August 29, 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 numbers 1 and 2 of his application dated July 17, 2022, sought the following information:
 1. *Detail of documents required for making correction in the spelling of name of Risal Singh Walia to Rasal Singh.*
 2. *Specific provision of SEBI circular/ Rules may be intimated under which correction of spelling can be made.*
 3. *If company does not accept the documents what action by shareholder can be taken due to decrease of share price.*
3. The respondent, in response to the query numbers 1 and 2, *inter alia*, provided the details regarding Circulars dated November 03, 2021 and December 14, 2021 with respect to ‘Common and simplified norms for processing investor’s service request by RTAs and norms for furnishing PAN, KYC details and Nomination’, which prescribes norms for processing various investor’s service requests including mismatch in name. The respondent also provided links for accessing the said circulars. The respondent, in response to query number 3, informed that the query is in the nature of seeking clarification/opinion from the respondent and accordingly, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act.

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 appal, *inter alia*, submitted that the respondent was bound to supply the details of specific documents and provisions of circulars/rules regarding correction of spelling. The appellant also submitted that information has not been supplied by the respondent.
5. I have perused the queries and the response provided thereto. On consideration, I find that the queries are in the nature of seeking clarification/ opinion from the respondent. The queries also appear to be situational queries. 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. In this context, I note that the Hon'ble CIC, in the matter of *Mr. Mahendra Kumar Mehta vs. CPIO, SEBI* (Judgment dated April 12, 2021), held that: *"9. This Commission observes that the appellant herein attempts to seek legal opinion/clarification from the CPIO to his situational queries with regard to 'the circular, rules, regulations, notification etc. regarding trading member for taking stock in pledge, collateral, or security for providing margin to do trade in reference to derivatives segment, charging of interest and GST, precaution to be taken by trading member for protection of constituents individual/HUF etc.'. Therefore, the CPIO is not supposed to interpret information; or to furnish replies to situational queries; or to furnish clarifications. Hence, such queries seeking legal opinion/clarification from the CPIO are not covered within the definition of 'information' u/Section 2(f) of the RTI Act, 2005. Accordingly, this Commission upholds the contention put forth by the CPIO."* In view of these observations, I find that the respondent did not have any obligation to provide such clarification/opinion with respect to situational queries, under the RTI Act.
6. Notwithstanding the same, I find that the respondent has guided the appellant to access the relevant information which is available on the SEBI website. In my view, the queries are adequately addressed. Accordingly, I do not find any deficiency in the response.
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: September 26, 2022

A SUNIL KUMAR
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA