

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

Appeal No. 5735 of 2023

Shailendra Singh Tarkar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated Nil (received by SEBI on May 19, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 15, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated Nil (received by the Office of Appellate Authority on July 10, 2023). 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. **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, submitted that the information provided by the respondent is not complete and clear. In view of the submissions made by the appellant in his appeal, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query number 1-** The appellant, in his application dated May 15, 2023, *inter alia*, queried whether SEBI Mumbai letter bearing 4486/5/2019/18.2.19 is correct. The appellant also stated “*forged letter-clear information*”.
4. The respondent, in response to the aforesaid query, informed that the query is in the nature of seeking clarification and accordingly, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act.
5. I have perused the query and the response provided thereto. On consideration, I find that the query is more in the nature of seeking clarification/confirmation from the respondent. I note that the respondent is not supposed to provide clarification/confirmation; 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/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.*” In view of these observations, I find that the said query cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. Accordingly, I do not find any deficiency in the response.

6. **Query number 2-** The appellant, vide query number 2, *inter alia*, queried whether Alchemist Holding Limited is recognized by SEBI/ RBI / Government of India (Finance).
7. The respondent, in response to the aforesaid query, informed that Alchemist Holding Limited is not registered with SEBI.
8. I have perused the 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.
9. **Query numbers 3, 4 and 5-** The appellant, vide query number 3, queried whether the amount deposited by the investors in the company are safe or unsafe. Vide query number 4, the appellant queried whether the amount has been refunded to most of the investors. Vide query number 5, the appellant sought SEBI toll free number and email address for raising complaint in the matter of Alchemist Holdings Limited.
10. The respondent, in response to the aforesaid query, informed regarding the appointment of the Hon'ble Justice Talukdar Committee ('One Man Committee') by the Hon'ble Calcutta High Court, for looking after the process of making refunds to the investors in the matter of Alchemist Group of Companies. Further, the respondent provided the weblink for accessing information pertaining to the

said Committee including notice for depositors containing instruction/procedure to be followed for filing online applications etc.

11. I have perused the queries and the response provided thereto. I note that the respondent has clearly informed the appellant regarding appointment of the Hon'ble Justice Talukdar Committee, to look after the process of making refunds to investors in the matter of Alchemist Group of Companies. The respondent has also provided the link for accessing the website wherein the procedure for applying for refund in the said matter is available. In my opinion, the respondent has adequately addressed the queries by providing the information available with him. In view of the same, I do not find any deficiency in the response.
12. Further, I note that the information regarding the matters handled by the Hon'ble Justice Talukdar Committee, have been published on the relevant website and the same is available in the public domain. The appellant may be guided accordingly.
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

ANAND BAIWAR

Date: August 08, 2023

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