

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

Appeal No. 6511 of 2025

Santosh : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated July 14, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 05, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00203) dated August 05, 2025. 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, in his application dated July 14, 2025, sought the following information:

“ 1. What action has been taken on the email complaint dated 9th July 2025? (9 Jul 2025, 12:03)

2. Has the said email been forwarded to any department or officer within SEBI? If yes, kindly provide the name, designation, and contact details of the concerned officer.

3. Has any decision or report been issued based on my complaint? If yes, please provide a copy of the same.

4. On what grounds was my earlier complaint closed by SMART ODR without resolution?

5. What is the current status of the subsequent complaint filed on the SCORES portal?”

3. **Reply of the Respondent** –The respondent, in response to the application, informed that the queries are in the nature of seeking clarification/ opinion and redressal for grievances. Accordingly, the same cannot be construed as “Information” as defined u/s 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 of the respondent.

5. I have perused the application and the response provided thereto. I note that appellant in his application vide query nos. 1 and 5 has sought the status and the action taken on his complaints filed with SEBI. I also note that the respondent has denied the information on the ground that the aforementioned queries in the application cannot be considered as “information” as defined u/s 2(f) of the RTI Act. On consideration, I find that the appellant is entitled to know the action taken on and status of his complaints under the RTI Act. In this regard, reliance is placed on the matter of *Rajesh Kumar Sharma vs. CPIO, Oriental Bank of Commerce, Head Office, Gurgaon* (Date of Decision: 31.12.2018) wherein Hon’ble Central Information Commission observed that “*The Commission observes that the appellant has a right to know as to what action has been taken by the respondent authority on his complaints. The Commission observes that the Hon’ble High Court of Delhi in the matter of Kamal Bhasin vs. Radha Krishna Mathur and Ors., [W.P.(C) 7218/2016 dated 01.11.2017] had held as under “.....this Court directs the respondent to disclose to the petitioner as to what action had been taken pursuant to his complaint and other similar complaints made against the then CMD. The petitioner would not be entitled to any notings and deliberations of the Group of Officers or Disciplinary Authority but only information as to what action was taken in relation to the complaints in question.”* In light of the aforementioned decision, I find that the query nos. 1 and 5 in the application has not been adequately addressed by the respondent and the same warrants reconsideration.

6. With regard to query nos. 2, 3 and 4 in the application, I response of the respondent that the queries are in the nature of seeking clarification/opinion/confirmation from the respondent. 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 or opinion or confirmation under 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) wherein Hon’ble CIC, in the said matter, observed that “*7. The Commission, after bearing 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.” Accordingly, I do not find any deficiency in the response of the respondent to query nos. 2, 3 and 4 in the application.

7. Considering the observations in the preceding paragraphs, I remit query nos. 1 and 5 in the application to the respondent for *de novo* consideration of the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
8. The appeal is accordingly disposed of.

Place: Mumbai

Date: August 21, 2025

RUCHI CHOJER

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