

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

Appeal No. 5471 of 2022

Nikhil N Sayta	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 19, 2022 (Reg. No. SEBIH/R/P/22/01782 received by SEBI on September 20, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 17, 2022, responded to the said application filed by the appellant. The appellant filed an appeal dated October 24, 2022 (received by the Office of Appellate Authority on October 31, 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. **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 respondent has not provided information/ inspection of records/ certified copies as sought by the appellant. The appellant also submitted that he had not asked for resolution of grievance. In view of the submissions made by the appellant, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query numbers A, B and F-** The appellant, in his application dated September 19, 2022, enclosed a complaint of even date i.e. September 19, 2022 and sought the following information -
 - A. Full details of movements, notings, of my enclosed complaint dated 19th September 2022.*
 - B. Action Taken Report on my enclosed complaint.*
 - F. Inspection of all records pertaining to A to E as above and certified copies as may be required thereafter.*
4. The respondent, in response to the aforesaid queries, informed that the information sought is in the nature of complaint and does not qualify as “information” under the provisions of section 2(f) of the RTI Act. The respondent also provided information regarding lodging of grievance on the SCORES

portal on SEBI website or SCORES Mobile App which is available on both Apple App Store and Google Play Store. Further, the respondent provided the toll free helpline numbers launched by SEBI to facilitate replies to various queries of the general public on matters related to securities market. Further, the appellant was advised to refer to the FAQs on “Investor Grievances- SCORES”, available on the SEBI website. The respondent also provided the link for accessing the said FAQs.

5. I have perused the queries and the response provided thereto. I note that the appellant has enclosed the complaint dated September 19, 2022 along with the even dated application filed under the RTI Act, and sought certain information regarding action taken on the said complaint. On perusal of the queries, it appears that the appellant has grievance against his Depository Participant. In my opinion, if the appellant has any grievance, he may approach the appropriate grievance redressal forum. I note that redressal of grievance does not fall within the ambit of the RTI Act. Similar observations were made by the Hon’ble CIC in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012). On consideration, I agree with the response of the respondent that the information sought is in the nature of a complaint and accordingly, the same cannot be construed as seeking “information” under the RTI Act.
6. Notwithstanding the above, I find that the respondent has appropriately guided the appellant to refer to the SCORES website for lodging his grievance, if any, and also provided helpline service numbers launched by SEBI, to facilitate replies to various queries of the general public on matters relating to securities market. In view of the same, I find that the queries have been adequately addressed and no further intervention is warranted at this stage.
7. **Query numbers C and D-** The appellant, vide query numbers C and D, sought the following information-

C. Who has the right to freeze demat accounts, under what circumstances, under what provisions of law.

D. If so, has intimation to be given before freezing accounts, full details, circular, guidelines, rules pertaining to the same.

8. The respondent, in response to the foresaid 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, the respondent informed that the Circulars

and Guidelines issued by SEBI are available on the SEBI website. The respondent also provided the link for accessing the same.

9. I have perused the queries and the response provided thereto. On consideration, I find that that the queries of the appellant are more in the nature of seeking clarification/ opinion from the respondent. I note that 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. 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.
10. Notwithstanding the above, I note that the respondent has already informed the appellant that the that the Circulars and Guidelines issued by SEBI are available on the SEBI website. The appellant may be guided accordingly.
11. **Query number E-** The appellant, vide query number E, sought details of the First Appellate Authority, SEBI.
12. The respondent, in response to the aforesaid query, provided the name, address and contact details of the First Appellate Authority, SEBI.
13. I have perused the query and the response provided thereto. On consideration, I find that the respondent has adequately addressed the query by providing the information available with him. Accordingly, no further intervention is warranted at this stage.

14. 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: November 28, 2022

A SUNIL KUMAR

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