

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

Appeal No. 5942 of 2024

Ms. Hiral P. Shah	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 13, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated February 08, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00042) dated March 05, 2024. 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. **Requests in the application** –The appellant, vide her application dated January 13, 2024, sought the following information:

"1. Whether SEBI has received any complaint from any of ASEL member / employee / investor, for noncompliance and/or concealment of the facts while submitting the undertaking to SEBI prior to issue of the Exit Order.

2. If yes, kindly provide the details of the complaints such as the category of the complainant as per point-1 above, when was such complaint received by SEBI, noting, if any, made by SEBI on such complaint received, if any internal note is prepared on such complaint/s, any letter sent to ASEL by SEBI, any response received from ASEL by SEBI. Please provide copies of such internal notes/communications.

3. Whether SEBI issued any letter to ASEL seeking ASEL response on the complaint/s received from the complainant/s. Please provide a copy of such letter and also kindly provide us a copy of reply/ response received from ASEL.

4. Whether ASEL has sought any guidance from SEBI in relation to any matter relating to the complaint. If yes, please arrange to provide a copy of the same.

5. Whether SEBI has responded to ASEL on such letter seeking guidance from SEBI. If yes, please provide a copy of such guidance letter sent by SEBI to ASEL.

6. Whether SEBI has initiated any action against ASEL after receiving complaint/s from above categories of the complainant/s to ensure that the conditions specified in the Exit Order of SEBI issued to ASEL are duly honoured and

acted upon in letter and spirit by ASEL. If any internal note has been prepared by SEBI on any of the complaints against ASEL, please provide a copy thereof.”

3. **Reply of the Respondent** – The respondent, in response to the application, informed that the information sought are not clear and specific and are in the nature of seeking clarification. Accordingly, the same cannot be construed as “information”, as defined u/s 2 (f) of the RTI Act.
4. I have perused the request, the response provided thereto. On consideration, I agree with the response of the respondent that the request is vague and not specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon’ble Central Information Commission (hereinafter referred to as “CIC”) held: *“The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.”* Further, I concur with the response of the respondent that the said requests are also in the nature of seeking clarifications. In this context, reliance is placed on matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), wherein the Hon’ble Central Information Commission held: *“... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...”*. In view of these observations, I find that the aforesaid requests cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. Hence, I do not find any deficiency in the response of the respondent.
5. 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: March 22, 2024

B RAJENDRAN

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