

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
SECURITIES AND EXCHANGE BOARD OF INDIA
Appeal No. 6364 of 2025

Swaminath Singha	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 06, 2025 under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 18, 2025, responded to the application filed by the appellant. The appellant filed an appeal dated April 16, 2025 (received by the Office of Appellate Authority on April 21, 2025). 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, in his application dated February 06, 2025, sought following information:
 1. “*Whether you have received my letter dated 11.01.2025 as ventilated herein above in Ref:?*”
 2. *Whether you have gone through my that letter dt 11-01-2025 with an legal eye to the Rulings of the Hon'ble Bombay High Court?*
 3. *Whether I am not legally clear about my ROLE in the company as per full body Resolution of the directors dt 14-05-2014 which had been given to you and all concerned?*
 4. *Whether the dues will not be cleared off by Selling lands of the Company, Collecting huge amts of money from the loans to different persons, collecting dues from the Holders of the two & four wheelers, Collecting advance money given to agents etc. etc? All these were done by the CMD Rejaul Karim himself.*
 5. *As I am a law-abiding person, I have been made target in freezing /holding my accounts Though you are all aware of the facts that I am a Cancer patient who had been done operations in rectum & lungs in the year 1921 & 1923. Now I am Sr. Super Citizen of age 82 yrs. My only daughter Shila Das Singha died by This Maran Rog Cancer on 06-06-2023. Under such circumstance, I am praying to your good heart and mind to defreeze the accounts so that I May continue my treatments and to pay a huge amount of loans taken from various persons and institutions.*

Sir, May I request you to defreeze the accounts as early as possible as any case (Running and/or will be) shall continue for an indefinite period which is barred by the Supreme court of India. Also, cancel patient are getting relief in different cases in High courts and Supreme court.

6. *Have I made nay unlawful statements?*

7. *If so, I may be pardoned."*

3. **Reply of the Respondent** - The respondent, in response to query no. 1 in the application informed that the letter was received on January 22, 2025.

The respondent, in response to query nos. 2, 3, 4 and 6 informed that the information sought is in the nature of seeking clarification /opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

However, the respondent has also informed that vide order bearing Ref. No. WTM/GM/EFD/DRAIII/15/2018-19) dated May 3, 2018, SEBI has held the company, i.e., Aapna Pariwar Agro Farming Developers India Limited and its directors / promoters liable for the illegal/unauthorized mobilization of funds from the public and the said order is in force since the same has not been set aside by the appellate forums. The respondent also informed that due to the non-compliance of the said order of SEBI by the appellant, recovery certificate and notice of attachment were issued to him.

The respondent, in response to query nos. 5 and 7 informed that the information sought is not an '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 provided by the respondent.
5. I have perused the application and the response provided thereto. On consideration, with respect to query no.1, I find that the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
6. With regard to query nos. 2, 3, 4 and 6, I agree with the response of the respondent that the appellant's queries are in the nature of seeking clarification/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/confirmation

under the RTI Act. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, Hon'ble Central Information Commission (CIC) observed 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.” Accordingly, I do not find any deficiency in the response of the respondent.

7. With regard to query nos. 5 and 7, I find that said queries are in the nature of seeking action from the respondent. In this context, I note that the Hon'ble CIC in the matter of *Sumanta Banerjee vs. Bharat Sanchar Nigam Limited* (Decision dated June 08, 2007), had held that an applicant/information seeker under the RTI Act should ask for information that may be available ‘in any material form’ as envisaged under section 2(f) of that Act. Further, I note that the Hon'ble CIC in the matter of *Ram Balak Yadav vs. Sheikh Mohammad Anis* (Decision dated May 13, 2009), had held that: “The appellant is not seeking any information but want certain administrative action by the department. It is apparent that no information was sought as defined under Section 2(f) of the Act”. In view of these observations, I find that the information as sought by the appellant cannot be construed as ‘information’ as defined under section 2(f) of the RTI Act. Accordingly, I do not find any deficiency in the response of the respondent.
8. Further, I find that the application and appeal of the appellant is more in the nature of grievance. I note that redressal of grievance does not come under the purview of the RTI Act. In this context, I note that the Hon'ble CIC, in the matter of *Mr. Surendra Vishwakarma vs. President Secretariat* (Order dated April 29, 2016) observed that “In this context, we note that the RTI Act cannot be used to make the respondent to do certain things or take certain action for the reason that the Act is not the proper law for redressal of grievances/disputes and there are other appropriate forum(s) for resolving such matters.” Further, Hon'ble Supreme Court in the matter of *Union of India vs. Namit Sharma* (Review Petition [C] No.2309 of 2012) dated 03.09.2013 observed: “20. While deciding whether a citizen should or should not get a particular information which is held by or under the control of any public authority, the Information Commission does not decide a dispute between two or more parties concerning their

legal rights other than their right to get information in possession of a public authority.” Accordingly, I do not find any deficiency in the response of the respondent.

9. 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: May 16, 2025

RUCHI CHOJER

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