

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

Appeal No. 6026 of 2024

: Appellant
K Sivalingam

Vs
CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated April 15, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 13, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00114) dated June 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 his application dated April 15, 2024, sought the following information:
 - 1) *Whether NCS Sugars Limited is prohibited by the Securities and Exchange Board of India from trading in securities or accessing the securities markets*
 - 2) *If answer to above is yes, please provide relevant documents and information*
 - 3) *Is Mr. Narayanam Nageswara Rao, promoter director of NCS Sugars Limited, prohibited by the SEBI, directly or indirectly, from trading in securities or accessing the securities markets?*
 - 4) *Is UCC of NCS Sugars Limited still under disablement under directions / instructions of SEBI?*
 - 5) *Is there any such order / direction / instruction issued by SEBI regarding such prohibition / disablement? If yes, then may please provide the copy of the such Order / direction / instruction from SEBI.*
 - 6) *Is there any other order / investigation against NCS Sugars Limited or Mr. Narayanam Nageswara Rao by SEBI. If yes, please provide relevant information and documents.*
3. **Reply of the Respondent** - The respondent, in response to the aforesaid requests, informed that the information sought are 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, with respect to requests nos.

1, 2, 3 and 5 of the application, the respondent additionally informed that SEBI passes orders/direction under section 11 of SEBI Act 1992 and the same are available on SEBI website. The respondent provided the relevant link to access the same on SEBI website.

Further, with respect to request no. 4 of the application, the respondent informed that the UCC of NCS Sugar limited is still under disablement.

Additionally, with respect to request no. 6 of the application, the respondent informed that SEBI receives references/market intelligence from various entities/persons for activities in the stock market. SEBI examines such references/ intelligence and thereafter, based on facts and/or circumstances of the case, action is taken accordingly and any regulatory actions, if taken, are published at SEBI website

4. **Ground of appeal-** The appellant has filed the appeal on the ground that he has been refused access to information requested.
5. I have perused the aforesaid requests and the response provided thereto. I note that the appellant has, *inter alia*, sought information regarding orders or direction issued with respect to NCS sugars Ltd and its promoter director. On consideration, I concur with the response of the respondent that the requests in the application are in the nature of seeking nature of seeking clarification/opinion/confirmation from the respondent. I find that the said request 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 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 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.

6. Notwithstanding the above, I note that the respondent has informed the appellant that any regulatory actions taken by SEBI are available on SEBI website. I note that the respondent has also provided the relevant link to access that same. Further, I note that with respect to request no. 4, the respondent has provided the information available with him.
7. 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: June 18, 2024

B RAJENDRAN

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