

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

Appeal No. 6197 of 2024

S Krishna Mohan	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 29, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated October 09, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00250) dated October 12, 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. **Query no.1 in the application-** The appellant, vide query no.1 in the application dated September 29, 2024, sought the following information:

"Please arrange to provide all information and documents considered by SEBI for grievance complaint relating to sale of listed company shares.

SEBIE/TN24/KANC/005534/4

SEBIE/TN24/KANC/005534/3

SEBIE/TN24/KANC/005534/2

SEBIE/TN24/KANC/005534/1

SEBIE/TN24/KANC/005528/1

SEBIE/TN24/KANC/003692/1"

3. **Query no. 3 in the application-** The appellant, vide query no.3 in the application dated September 29, 2024, sought the following information:

“Action taken on above complaints post closure of complaints as mandated with SEBI in prevention and eradication of such unscrupulous elements apart from public notice or sms etc.,”

4. **Reply of the respondent to query nos. 1 & 3 in the application:** The respondent, in response to query nos. 1 & 3 in application, informed that the Action Taken Report (**ATR**) of a complaint can be viewed on SCORES website by signing in to the account using the User ID set by the complainant while registering on SCORES or by entering registered email id. The respondent also informed that the status of the complaint can be viewed in the investor dashboard section and the complete action history of the complaint can be viewed by clicking on the registration number. Additionally, the respondent informed that the complainant will also receive email, SMS and WhatsApp notifications on the registered email id and registered mobile number, whenever entity/ designated bodies/ SEBI seeks clarification, submits ATR etc. Further the respondent informed the appellant to refer to Frequently Asked Questions (**FAQs**) on SCORES website and provided the link for accessing the same.

5. I have perused the aforesaid queries 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, I do not find any deficiency in the response.

6. **Query no. 2 in the application-** The appellant, vide query no.2 in the application dated September 29, 2024, sought the following information:

“SEBI Role and Responsibilities on complaints received prior to this and action taken as legal remedy to file cases or out come of any cases relating to such sale of shares in the name of SEBI and Listed companies and siphoning off huge sum from the citizen”

7. **Reply of the respondent to query no. 2 in the application:** The respondent, in response to query no.2 in the application informed that the query of the applicant is vague and is in the nature of seeking clarification/explanation. Accordingly, the same cannot be construed as “information” as defined under section 2(f) of the RTI Act.

8. I have perused the aforesaid query and the response provided thereto. On consideration, I concur with the response of the respondent that the request is vague. 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."*

9. Additionally, I concur with the response of the respondent that the information sought are also in the nature of seeking clarification/explanation from the respondent. It is understood that the respondent is not supposed to create information; or to interpret information; or to furnish clarification to the appellant under the ambit of the RTI Act. 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 explanation 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 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/ 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.

10. **Query no. 4 in the application-** The appellant, vide query no.4 in the application dated September 29, 2024, sought the following information:

"Details of any culprits punished based on the action of SEBI or its listed companies when such frauds are promptly reported as it happened like Vodafone or Tata Steels or Philips Capital etc.,"

11. **Query no. 5 in the application-** The appellant, vide query no.5 in the application dated September 29, 2024, sought the following information:

“Any other information or documents empower the citizen on action taken and list of such fraudsters as published in the website of SEBI or any of the national stock exchanges”

12. **Reply of the respondent to query nos. 4 & 5 in the application:** The respondent, in response to query nos. 4 & 5 in the application informed that the queries of the appellant are vague and not specific. Accordingly, the same cannot be construed as “information” as defined u/s 2(f) of the RTI Act. However, the respondent also informed that all enforcement action taken by SEBI, is available in the public domain and provided the path for accessing the same on the SEBI website.
13. I have perused the aforesaid queries and the response provided thereto. On consideration, I concur with the response of the respondent that the request is vague and not specific. Notwithstanding the aforesaid, the respondent has informed that all enforcement action taken by SEBI, is available in the public domain and provided guidance for accessing the same on the SEBI website. Accordingly, I do not find any deficiency in the response of the respondent.
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

RUCHI CHOJER

Date: November 07, 2024

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