

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

Appeal No. 5272 of 2022

Ajay Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 13, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 21, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00455) dated July 22, 2022. 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. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, *inter alia*, submitted that the respondent is knowingly not furnishing data. In view of the submission made by the appellant in his appeal, I am dealing with the queries and the response provided thereto in the following paragraphs.
3. **Query numbers 1, 10 and 11-** Vide query number 1, the appellant sought Pan no of Icicibrokerageservisltd , ICICISECURITIESLtd, icicipdearship, icicicapital services Ltd cin no,bank account no, records of pan no and cin no year wise from 1985 or later . The appellant, vide query number 10, sought information regarding orders about pan no by sebi in 2007. Vide query number 11, the appellant, *inter alia*, sought information regarding cas data, pan no. and turnover of Icicibrokerageservisltd from 1985 to 2022.
4. The respondent, in response to the query numbers 1, 10 and 11, informed that the information sought is not maintained by SEBI in normal course of regulation of securities market, Hence the same is not available with SEBI.
5. I have perused query numbers 1 and 11 and the response provided thereto. On consideration, I do not find any reason to disbelieve the observation of the respondent that the requested information is not available with SEBI as the same is not maintained by SEBI. In this context, I note that the Hon’ble CIC, in the matter of *Mrigesh Manubhai Thakkar vs. SEBI* (order dated December 28, 2016) observed that “*The*

Commission observes that the respondents can provide only that information which is existing and available with them and the RTI Act does not mandate it for the respondent authority to create information if it is not collected and collated in the normal course of their duties. The Commission, therefore, does not find any need to intervene in the matter. The appeal is disposed of.”

In view of these observations, I do not find any deficiency in the response.

6. With respect to query number 10, I find that the same is vague and not specific. Further, it is difficult to ascertain what exact information is sought by the appellant. Accordingly, the said query cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act.
7. **Query numbers 2 and 7-** The appellant, in query number 2, stated that fraud is related to scores, igrp and arbitration and NSE and BSE websites. The appellant, in query number 7, *inter alia*, stated that SEBI is bias with tax payers and favouring ICICI group.
8. The respondent, in response to the aforesaid queries, informed that no information is sought. I have perused the queries and I find that the appellant has made mere statements. I agree with the response of the respondent that no information has been sought by the appellant.
9. **Query numbers 3, 4, 5 and 6-** The appellant, vide query number 3, sought name of MD and directors of icicbrokerageservicesltd and copy of pan no, servicetax no and gst registration. Vide query number 4, the appellant sought information regarding Icicibank and associates and subsidiaries list from 1985 till date, pan no. and name of directors, service tax no., pan no and balance sheet from RBI, SEBI, HDFC Bank, Icici Bank, NSDL and NSE, BSE and ROC Mumbai etc. along with other offices and third parties. Vide query number 5, the appellant sought supervision reports of Icicbrokerageservisltd and ICICISECURITIESltd and icicipdealrship firm. The appellant, vide query number 6, sought the file for 14 August 2014 report sent by SEBI officer to PMO.
10. The respondent, in response to aforesaid queries, informed that the queries are vague and not specific and accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act.
11. I have perused the queries raised by the appellant. I find that the same are vague and not specific. Further, it is difficult to ascertain what exact information has been sought by the appellant. In this context, I note that in the matter of *Shri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (Decision dated August 30, 2012), the Hon’ble CIC held: “*Since the Appellant had not clearly stated what exact information he wanted, the CPIO could not have provided any specific information to him. We would like to advise the Appellant that he might like to specify the*

exact information he wants from the SEBI and prefer a fresh application before the CPIO.” In view of the same, I do not find any deficiency in the response.

12. **Query numbers 8 and 9-** The appellant, vide query number 8, queries whether Pan no. is unique or not. Vide query number 9, the appellant queries whether Service tax no. is unique or not.
13. In response to the aforesaid queries, the respondent 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.
14. I have perused the queries and the response provided thereto. On consideration, I find that the query of the appellant is in the nature of seeking clarification/opinion from the respondent. I note 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. In this context, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon’ble CIC. Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon’ble CIC 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...*”. I find that the said query 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. Accordingly, I do not find any deficiency in the response.
15. 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: August 22, 2022

ANAND BAIWAR

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