

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

Appeal No. 6101 of 2024

Manoj Kumar Gupta	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 03, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated August 08, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00167) dated August 08, 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. **Request the application** - The appellant, vide his request of the application dated August 03, 2024, sought the following information:

"My wife Smt Poonam was working as Manager Finance and Accounts in Central Board of Irrigation and Power having its office at Malcha Marg, Chanakya Puri, Delhi. She was having additional charge of Secretary CBIP PF Trust. She hang herself from ceiling fan on 06.05.2020 as she was extreme tensed due to irregularities in investment of money belonging to employees of CBIP including my wife. I have following question

- 1. The money was get invested by the Financial Advisor Mr. Manish Singhal through his entities Apex Securities, Manish Singhal HUF, Apex Investor Service Pvt Ltd. The question arises whether a person or firm or company may take money from client in his account, purchase bonds or NCD on behalf of client and transfer the bond/NCD to the investor or client without any license or registration with SEBI . As verified from SEBI website his or his firm/ company name is not found*
- 2. Whether he is eligible to take money from client without taking any approval from SEBI*
- 3. Whether he may be appointed as advisor without any registration with SEBI*
- 4. If the above answer is negative then what are the guidelines which need to be followed by this investment advisor and the investor*
- 5. Is there any agreement need to be entered between the investor and the advisor*
- 6. If the advisor fails to enter any agreement and also failed to take any license or certificate from SEBI then what will be the action against this advisor from SEBI*
- 7. Any guidelines on the fee to be charged by the advisor*

3. **Ground of appeal** - The respondent filed the appeal on the ground that he was refused access to information requested.
4. **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, 2005. However, the respondent advised the appellant to refer to SEBI (Investment Advisers) Regulations, 2013 which are available in public domain on SEBI website.
5. I have perused the aforesaid requests and the response provided thereto. On consideration, I concur with the response of the respondent that the information sought is in the nature of seeking clarification/opinion 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 Central Information Commission (hereinafter referred to as “**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. Notwithstanding the above, I note that the respondent has guided the appellant to refer to SEBI (Investment Advisers) Regulations, 2013.
6. Further, I note that the appellant in his appeal has sought further information pertaining to his application. As held by the Hon’ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said submissions do not warrant consideration at this stage.

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: August 26, 2024

RUCHI CHOJER

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