

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

Appeal No. 5789 of 2023

Anand Unde	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 28, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 23, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00189) dated August 28, 2023. 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 the information provided was incomplete, misleading or false. The appellant, in his appeal, has not made any specific submission regarding the response provided by the respondent. In view of the same, I am dealing with the requests made in the application and the response provided thereto, in the following paragraphs.
3. **Request numbers 1, 2 and 3-** The appellant, vide request number 1, 2 and 3, sought the following information:

“1. In the matter of Shukul Wealth Advisory, Surat, I am submitted claim form to receive Invested money from Shukul Wealth Advisory (SWA). as per SEBI Order No. WTM/GM/WRO/13031/2021-22, Dated August 13, 2021; Claim form sent to SEBI WRO office on dt. 29/10/2021 through email. But I am not yet received capital Amount along with an interest of 12% within a period of six months from the date of said Order.

2. As per SEBI order; ICICI Bank freeze Bank Account of Shukul Wealth Advisory with balance amount Rs. 18.95 crores., as well as only to utilize the same towards repayment to the investors, and the disbursement will be subject to the supervision of SEBI;

3. I found that, many Investor received claim amount through SEBI. But not any Amount received by me through SEBI. I hope above amount utilized towards repayment of many Investors.”

4. The respondent, in response to the aforesaid requests, informed that the requests are not clear and are in nature of seeking clarification/ opinion. Accordingly, the same cannot be construed as seeking “Information”, as defined under section 2(f) of the RTI Act.
5. I have perused the above requests and the response provided thereto. On consideration, I find that the appellant has made mere statements and has not sought any specific information. Further, I find that the statements are more in the nature of grievance. In this regard, I note that the Hon’ble CIC, in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012), held: “*The Appellant is informed that ... redressal of grievance does not fall within the ambit of the RTI Act rather it is up to the Appellant to approach the correct grievance redressal forum...*”. I note that a similar view was taken by the Hon’ble CIC in the matter of *Yogesh Malhotra vs. PIO, Delhi Police* (order dated May 28, 2021). In view of the same, I find that the requests cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act.

6. **Request number 4-** The appellant, vide request number 4, sought the following information-

“4. I need information about how many investors got repayment amount on this date with total disbursed amount., and why given priority for repayment to them other than remaining investors.”

7. The respondent, in response to the aforesaid request, informed that the request is in 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. However, the respondent informed that Recovery Proceedings have been initiated in the matter. The respondent also provided the link for accessing the information regarding further developments in the matter.
8. I have perused the request and the response provided thereto. I note that the appellant has specifically sought information regarding refund in the matter. In my opinion, the request has not been adequately addressed. Accordingly, it would be appropriate to remit the application for reconsideration.
9. Considering the above observations, I remit the application to the respondent for *de novo* consideration of query number 4 and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.

10. The Appeal is accordingly disposed of.

Place: Mumbai

Date: September 26, 2023

B RAJENDRAN

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