

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

Appeal No. 5699 of 2023

Ranjay Chaurasia	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 03, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 25, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00119) dated June 02, 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. **Queries in the application** –The appellant, vide his application dated May 03, 2023, sought the following information:
 1. *What is the procedure to claim my Sahara money and who are the respected authorities I should contact for the same.*
 2. *Would it be safe that the agent through which I bought the policy should claim the money and then transfer it to me. Sir It was my hard earned money and I dont want to get scammed after waiting for such a long time kindly help with the same.*
3. The respondent, in response to the aforementioned application, informed regarding the order dated August 31, 2012 passed by the Hon’ble Supreme Court of India, wherein SEBI was directed to refund the money along with interest, to the bondholders of two companies from the Sahara group i.e. Sahara India Real Estate Corporation Limited (SIRECL) and Sahara Housing Investment Corporation Limited (SHICL), after matching the relevant documents (that were submitted by investors as proof of payment) with the records submitted by Sahara. The respondent also provided information regarding the press release and advertisements issued in the newspapers vide which the bond holders of SIRECL and SHICL were informed that the last date for submission of application for refund was July 02, 2018.

Further, the applications received after the said cut-off date would not be considered. Additionally, the respondent provided details regarding number of refund applications received by SEBI and the amount refunded to the investors. The respondent also provided the link for accessing the said details regarding refund, which is available on the SEBI website. The respondent also informed that SEBI had filed an Interlocutory Application dated October 21, 2021 before the Hon'ble Supreme Court for seeking directions in the matter and that the said application is *sub-judice*. Further, the respondent informed that the Hon'ble Supreme Court had constituted a three Judges Bench for further proceedings and that the next date of hearing is yet to be notified.

4. **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, *inter alia*, sought the contact number/ mail of the authority regarding repayment of the money invested in Sahara Company.
5. I have perused the application and the response. With respect to query number 1, I note that the respondent has provided detailed information regarding the order dated August 31, 2012 passed by the Hon'ble Supreme Court in the matter of SIRECL and SHICL and the subsequent actions taken by SEBI. I also note that the respondent has clearly informed regarding the press releases and the cut-off dates for filing refund applications with SEBI in the above mentioned matters. On consideration, I find that the respondent has adequately addressed the queries by providing the information available on record. Accordingly, I do not find any deficiency in the response.
6. With respect to query number 2, I find that the same is in the nature of seeking clarification/ guidance/ opinion from the respondent. In my opinion, the CPIO is not supposed to provide clarification/guidance; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) wherein the 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.” In view of these observations, I find that the said queries cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. Accordingly, no further intervention is warranted 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: June 30, 2023

ANAND BAIWAR

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