

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

Appeal Nos.5847 and 5848 of 2023

Manan Bhimpuria	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed two applications (Reg. No. SEBIH/R/E/23/00831 and Reg. No. SEBIH/R/E/23/00908) dated August 23, 2023 and September 15, 2023, respectively (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by letters dated September 14, 2023 and October 9, 2023, responded to the aforesaid applications filed by the appellant. W.r.t. application Reg. No. SEBIH/R/E/23/00831, the appellant has filed an appeal (Reg. No. SEBIH/A/E/23/00239) dated November 9, 2023. W.r.t. application Reg. No. SEBIH/R/E/23/00908, the appellant has filed an appeal (Reg. No. SEBIH/A/E/23/00238) dated November 9, 2023. I have carefully considered the applications, the responses and the appeals and find that the matter can be decided based on the material available on record.
2. **Request in the application** (Reg. No. SEBIH/R/E/23/00831) - The appellant in his application sought the following information:

“As an Individual Investor, whether any kind of complaint registered against myself in SEBI? If yes, Kindly provide me certified copies of action taken.

As its pertaining to myself, not a 3rd party information, I seek precise information U/Sec. 3, 2(f) & 2(j) RTI ACT, Not any clarification/opinion.”
3. **Reply of the Respondent** - The respondent, in response to application Reg. No. SEBIH/R/E/23/00831, vide letter dated September 14, 2023, informed that complaints on SCORES can be lodged only against the listed companies and SEBI registered intermediaries. The respondent further informed that the information sought was not clear as the appellant had not specified under which capacity the complaint is registered. The respondent further provided details pertaining to accessing complaint status on SCORES website.

4. **Request in the application** (Reg. No. SEBIH/R/E/23/00908) - The appellant in his application sought the following information:

“As an Individual Investor (Im not a listed company or a SEBI registered intermediaries), whether any kind of complaint registered AGAINST MYSELF AS AN INDIVIDUAL in SEBI? If yes, Kindly provide me certified copies of action taken.

As its pertaining to myself, not a 3rd party information, I seek precise information U/Sec. 3, 2(f) & 2(j) RTI ACT, Not any clarification/ opinion.”

5. **Reply of the Respondent** - The respondent, in response to application Reg. No. SEBIH/R/E/23/00908, vide letter dated October 9, 2023, informed that the information sought is 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. The respondent further informed that any enforcement action taken by SEBI would be available on the SEBI website, which is in the public domain. The respondent also provided the link for accessing the said website.
6. **Ground of appeal-** The appellant has filed the appeals on the ground that information provided was incomplete, misleading or false information.
7. I have perused the applications and the responses provided thereto. I note that both the applications contain similar requests. On consideration, I find that the requests are more 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 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) where similar information was sought by the appellant. The Hon’ble CIC, in the said matter, observe 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.*”
- Notwithstanding the above, I note that the respondent has informed the appellant that any enforcement action taken by SEBI would be available on the SEBI website, which is in the public domain. The respondent

also provided the link for accessing the said website. In view of these observations, I do not find any deficiency in the response.

8. 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: November 29, 2023

B RAJENDRAN

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