

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

Appeal No. 5709 of 2023

Tusharbhai Patel	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 07, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 02, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00124) dated June 06, 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, made submissions regarding query numbers 3 and 9. However, on perusal of the appeal, it appears that the appellant is also not satisfied with the response provided with respect to query number 8. In view of the submissions made by the appellant in his appeal, I am only dealing with the said queries and the response provided thereto, in this order.
3. **Query numbers 3, 8 and 9** –The appellant, vide query numbers 3, 8 and 9, sought the following information:

“3. In the financial years 2021-22, 2022-23, state the names of the groups sanctioned in the complaint received against the Telegram group by the governing body.

8. In Udayashivkumar Infra Shares on the day of listing on 03/04/2023 orders withdrawn in pre-opening and state the number of shares therein.

9. Provide a copy of the provision made by the governing body in this regard if the order is placed at a very low price or cancelled at the last moment after placing an order at a high price in the preopening on the day of the IPO listing.”

4. The respondent, in response to the aforesaid queries, informed that the queries are vague and not clear and accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. The appellant, in his appeal, *inter alia*, submitted that the information sought is very clear and that the same has not been provided.
5. I have perused query numbers 3 and 8 along with the response provided by the respondent. I find that the queries 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 *Sbri S. C. Sharma vs. CPIO, SEBI* (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.*” In view of these observations, I find that the queries cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. Accordingly, I do not find any deficiency in the response.
6. I have perused query number 9 and the response provided thereto. On consideration, I find that the same appears to be a situational query. 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, I note that the Hon’ble CIC, in the matter of *Mr. Mahendra Kumar Mehta vs. CPIO, SEBI* (Judgment dated April 12, 2021), held that: “*9. This Commission observes that the appellant herein attempts to seek legal opinion/clarification from the CPIO to his situational queries with regard to 'the circular, rules, regulations, notification etc. regarding trading member for taking stock in pledge, collateral, or security for providing margin to do trade in reference to derivatives segment, charging of interest and GST, precaution to be taken by trading member for protection of constituents individual/HUF etc.'. Therefore, the CPIO is not supposed to interpret information; or to furnish replies to situational queries; or to furnish clarifications. Hence, such queries seeking legal opinion/clarification from the CPIO are not covered within the definition of 'information' u/ Section 2(f) of the RTI Act, 2005. Accordingly, this Commission upholds the contention put forth by the CPIO.*” In view of these observations, I find that the respondent did not have any obligation to provide clarification/opinion with respect to situational query, under the RTI Act. Accordingly, no further intervention is warranted at this stage.
7. Further, I note that the appellant, in his appeal, sought the following information-

“In issue no.9, Udayashivkumar Infra shares were listed on 03/04/2023. Information has been sought regarding the number of shares and orders which have been cancelled during the pre-opening period of 9.00 am to 9.45 am. after ordering more than 1000 shares.”

In issue no.9, Udayashivkumar Infra shares were listed on 03/04/2023. It is requested to give information about the number of orders in which have more than 10000 shares for sale and orders cancelled at the last moment of preopening time 9.45 AM.”

8. I note that the above requests have been made for the first time in this appeal. 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 requests do not warrant consideration at this stage.
9. 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: July 05, 2023

B RAJENDRAN

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