

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

Appeal No. 6596 of 2025

Soumitra Basak	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 02, 2025 (received by SEBI on September 05, 2025) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 03, 2025, responded to the application filed by the appellant. The appellant filed an appeal dated October 14, 2025 (received by the Office of Appellate Authority on October 20, 2025).
2. In the appeal, the appellant has made a request for a personal hearing, if considered necessary. I have carefully considered the application, the response and the appeal. I note that the nature of the queries, the response of the CPIO and the grounds of appeal are self-explanatory and not complex. On the issue of providing an opportunity of hearing by the First Appellate Authority (hereinafter referred to as “**FAA**”) under RTI Act, a full bench of Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) in *Bombay Stock Exchange Limited vs Securities and Exchange Board of India* (File No. CIC/SM/A/2011/001687) observed that “*It is not practical to lay down an inflexible rule that PIOs and AAs will always offer an opportunity of hearing to the parties, let alone to the 3rd party. They may do so as per their discretion, keeping in view the complexity of legal and factual issues involved, without forgetting that timelines are to be adhered to, being the essence of the Act.*” Therefore, it is noted that there is no specific requirement under the provisions of the RTI Act, of providing a personal hearing by the FAA and that the discretion to give hearing to the appellant shall be exercised considering the complexity of the issues involved and the timelines specified under the RTI Act. In this context, reliance is also placed on the decisions of the Hon’ble CIC in the matters of *Mr. Milind Hemant Kotak, Mumbai vs. Canara Bank* (Decision dated April 24, 2008) and

Mr R.K Jain vs. UPSC (Decision dated March 10, 2014). Therefore, I am of the opinion that the appeal can be decided on the basis of material available on record.

3. Before delving into the merits of the case, I find it appropriate to deal with the contention of the appellant that there is one-day delay from the timeline prescribed under RTI Act in furnishing of reply by the CPIO. The appellant, has contended that reply was despatched only on October 06, 2025, i.e. 31st day of receipt. I note that response dated October 03, 2025 was uploaded on the RTI portal on the same date. I also note that the intervening days were weekends/holidays. Further. delay, if any, in receipt of information through post could not be ascribed to the respondent. Accordingly, I am of the view that appellant's contention does not require further consideration.
4. **Queries in the application-** The appellant, vide his application dated September 02, 2025, sought the following information:

“ 1. Has the Justice S.P. Talukdar One-Man Committee received my email dated August 25, 2025, addressed to sptewb@gmail.com? If yes, please provide a copy of any acknowledgement or reference number issued

2. If the email was received, why has the Justice S.P. Talukdar One-Man committee not responded to my query regarding the submission of deposit certificates for JAIG POLYMERS LTD?

3. Are there any guidelines, rules, or procedures mandating the Justice S.P. Talukdar One-Man Committee to respond to queries from citizens or cbt fund investors regarding refund processes? If yes, please provide a copy of such guidelines or rules.

4. If no response was provided, what are the recorded reasons for the committee's failure to reply to my email, as per SEBI's on the committee's records?

5. Who is the designated officer or authority responsible for addressing queries related to the Justice S.P. Talukdar One-Man committees refund process for JAIG POLYMERS LTD. investors, including those involving Togo Retail Marketing Limited?

6. What is the current status of the refund process for investors of JAIG POLYMERS LTD. under the Justice S.P. Talukdar One- Man committee, including details of any corpus fund created, properties auctioned, and timelines for disbursements?

7. Are there specific instructions or formats available on the committee's website for uploading deposit certificates of JAIG POLYMERS LTD. for refund claims? If yes, please provide details or a copy of such instructions.

8. If my email was sent to an incorrect address, please provide the correct email or postal address for submitting queries to the Justice S.P. Talukdar one-Man Committee regarding JAIG POLYMERS LTD. refunds.

9. What mechanisms are in place to ensure that the Justice S.P. Talukdar One-Man Committee addresses communications from chit fund investors in a timely manner, and have there been any recorded instances of non-compliance with such mechanisms?

10. If SEBI is not the appropriate authority to provide this information, please confirm whether this RTI application has been forwarded to the relevant public authority under section 6(3) of the RTI Act, 2005, and provide details of the forwarding action.”

5. **Reply of the Respondent** - The respondent, in response to query nos. 1, 2, 5, 6 and 10 in the application, informed that the information sought does not pertain to SEBI.

The respondent, in response to query nos. 3, 4, 7, 8 and 9 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.

6. **Ground of appeal** – On perusal of the appeal, it appears that the appellant is not satisfied with the response of the respondent.
7. I have perused the application and the response provided thereto. With regard to query nos. 1, 2, 5, and 6, I find that the requested information is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon’ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that “The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.” Further, I

note that the Hon'ble CIC in the matter of *Sb. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: "... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given." Accordingly, I do not find any deficiency in the response of the respondent.

8. Further, with regard to query nos. 3, 4, 7, 8 and 9, I concur with the response of the respondent that the queries are in the nature of seeking clarification/opinion from the respondent. I find that the said queries 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 opinion under 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 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." Accordingly, I do not find any deficiency in the response of the respondent.
9. With regard to query no.10, I note that the respondent has stated the said query does not pertain to SEBI. However, I note that vide query no. 10, the appellant has asked for confirmation of transfer of his application under Section 6(3) of RTI Act, if SEBI is not the concerned public authority. I find that said query is in the nature of seeking confirmation from the respondent and hence, cannot be construed as seeking 'information' as defined under section 2(f) of the RTI Act. Accordingly, I find that no further interference of this forum is warranted.

10. 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 17, 2025

RUCHI CHOJER

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