

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

Appeal Nos. 6239 & 6240 of 2024

Kapil Aggarwal (Kaps Advisory Services Pvt Ltd)	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed two similar applications (Reg. No. SEBIH/R/E/24/01375 and Reg. No. SEBIH/R/E/24/01401) dated October 31, 2024 and November 12, 2024 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 a common letter dated November 21, 2024, responded to the aforesaid applications filed by the appellant. The appellant filed two appeals (Reg. No. SEBIH/A/E/24/00284 and Reg. No. SEBIH/A/E/24/00285 dated November 21, 2024) against the said response dated November 21, 2024. 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. **Ground of appeal-** The appellant has filed the appeals on the ground that he was refused access to the information requested.
3. **Query in the application (Reg. No. SEBIH/R/E/24/01375)** The appellant, in his aforesaid application, sought the following information:

“I filed multiple complaints as per process against INTERACTIVE BROKERS (INDIA) PRIVATE LIMITED for denial in account opening by asking unreasonable documents of all shareholders and directors of a private limited company. The complaints raised on smartodr were kept on being retuned by NSDL official Mahindra Vaity mixing it with another dispute about individual application. The disputes raised were I filed disputes NSDLDP202410582417, NSDLDP202409528809 and NSDLDP202409806013 and NSDLDP202409927415. The official has neither intervened as member of depository NSDL not has he taken this forward and returning it without any reason. I had mailed the same to SEBI and NSE also as attached but they have also not reverted. NSDL and regulators should clarify the basis?”

4. **Query in the application (Reg. No. SEBIH/R/E/24/01401)** The appellant, in his aforesaid application, sought the following information:

“I filed disputes NSDLDP202410692418, NSDLDP202409582417, NSDLDP202409528809 and NSDLDP202409806013 and NSDLDP202409927415. NSDL just closed it without redressal. In his latest noting NSDL person noted it as duplicate whereas it is separate application altogether. This application is for corporate account Kaps Advisory Services Private Limited (PAN AAFCK7980H). On what basis then it has been closed when this matter has not been heard in the conciliation forum even once. Complaint against NSDL official was also raised to NSE but no revert yet.”

5. **Combined reply of the respondent** - The respondent, in response to queries in the applications, informed that the queries of the appellant are 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. I have perused the applications and the response provided thereto. On consideration, I concur with the response of the respondent that the queries in the applications are in the nature of seeking clarification/opinion. I find that the said queries cannot be construed as seeking ‘information’ as defined under section 2(f) of the RTI Act. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, Hon’ble Central Information Commission (**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.

8. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The appeals are accordingly dismissed.

Place: Mumbai

Date: December 20, 2024

RUCHI CHOJER

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