

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

Appeal No. 6148 of 2024

Abhishek	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 20, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 09, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg.No. SEBIH/A/E/24/00208) dated September 09, 2024. 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. **Request in the application** - The appellant, vide his request of the application dated August 20, 2024 sought the following information:

“Request for Clarification on Alignment of Master Circular SEBI/HO/OIAE/OIAE_LAD-3/P/CIR/2023/195 dated July 31, 2023 with the Conciliation and Arbitration Act, 1996 and Guidance on Challenging Arbitrator Appointment

1. Alignment of Master Circular with the Conciliation and Arbitration Act, 1996

- *Legal Framework: How the provisions of the Master Circular align with the Conciliation and Arbitration Act, 1996, particularly in terms of procedural fairness, arbitrator appointment, and dispute resolution mechanisms.*
- *Regulatory Compliance: The measures taken to ensure that the Master Circular’s guidelines comply with the requirements and principles established by the Conciliation and Arbitration Act, 1996.*
- *Integration: How the online dispute resolution processes as outlined in the Circular integrate with or complement the traditional arbitration procedures under the Act.*

2. Challenging the Appointment of Auditor

- *Challenge Procedure: The proper procedure for challenging the appointment of an arbitrator under the Master Circular and alignment with the Conciliation and Arbitration Act, 1996*
- *Escalation: Steps to take if the ODR Institution fails to respond to the challenge, including any alternative contacts or escalation paths with SEBI or other relevant bodies*
- *Resolution Process: The process for ensuring that my challenge is reviewed and addressed in accordance with the applicable regulations and guidelines”*

3. **Reply of the Respondent** - The respondent, in response to queries 1 and 2 of the application, informed the appellant that his queries on Arbitration and Conciliation Act, 1996 were 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. Further, the respondent informed that the Arbitration and Conciliation Act, 1996 does not come under the purview of SEBI. The respondent also informed appellant that all the provision of Online Dispute Resolution (**ODR**) are provided in the ODR Master circular dated December 28, 2023, which is available on SEBI website. The respondent also provided the path to access the same on SEBI website.
4. **Ground of appeal** - The appellant filed the appeal on the ground that information provided was incomplete, misleading and false information.
5. I have perused the requests and the response provided thereto. On consideration, I concur with the response of the respondent that the said requests are in the nature of seeking clarification/opinion from the respondent. I find that the said requests 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 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. Additionally, I also note that respondent had informed the appellant that Arbitration and Conciliation Act, 1996 does not come under the purview of SEBI.

6. 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: October 04, 2024

RUCHI CHOJER

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