

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

**Appeal No. 5002 of 2022**

|                    |    |            |
|--------------------|----|------------|
| Shirish Goel HUF   | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated February 24, 2022 (received by SEBI on March 03, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated April 11, 2022 (received by the Office of Appellate Authority on April 19, 2022). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, referred to the orders dated December 15, 2014 and June 15, 2015 passed by the Hon’ble CIC. Further, the appellant requested to direct the respondent to provide the desired information. In view of the submissions made by the appellant, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query numbers 1 and 3-** The appellant, vide said queries, sought the information regarding Show Cause Notice dated December 02, 2021 issued by SEBI:
  1. Reason/s for not offering / intimating us the Settlement Scheme, 2020.
  3. Reason/s for inordinate delay of 6 years in issuing show cause notice.
4. The respondent, in response to the aforesaid queries, informed that the queries are in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information”, as defined under Section 2(f) of the RTI Act. With respect to query number 1, the respondent also informed regarding the public notice dated July 27, 2020 issued by SEBI about launching of the

Settlement Scheme and the modalities for availing the benefit of the scheme. Further, it was informed that the public notice was made available on the website of the BSE.

5. I have perused the queries and the response provided thereto. On consideration, I find that the said queries are 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 furnish clarification to the appellant under the ambit of the RTI Act. In this context, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon'ble CIC. Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon'ble CIC held: “... *we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...*”. I find that the said query 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 view of these observations, I do not find any deficiency in the response.

6. Query number 2- The appellant, vide query number 2, sought the following information-

*“2. Copies of documents (with dates) in evidence of that the enforcements proceedings were initiated by SEBI.”*

7. The respondent, in response to the aforesaid query, informed that the requested information is exempt from disclosure under Section 8(1)(h) of the RTI Act since the proceedings are in progress in the matter of Illiquid Stock Options and the matter has not yet reached its logical conclusion. The respondent also informed that disclosure of any information at this stage may impede the process of investigation/apprehension/ prosecution of offenders.

8. I have perused the query raised by the appellant. On consideration, I find that the query is not clear and 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 *Shri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (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. We would like to advise the Appellant that he might like to specify the exact information he wants from the SEBI and prefer a fresh application before the CPIO.*” In view of these observations, I find that no further intervention is warranted.

9. **Query number 4-** The appellant, vide query number 4, sought the following information-

*"4. Designation/s and Department/s of SEBI Officials, where the matter was stuck for 6 years."*

10. The respondent, in response to the query 4, informed that the query is not clear and specific. Accordingly, the same cannot be construed as seeking "information", as defined under Section 2(f) of the RTI Act.
11. I have perused the query raised by the appellant. I agree with the observation of the respondent that the query is not clear and specific. In view of the same, I do not find any deficiency in the response.
12. Further, the appellant, in his appeal, referred to the orders dated December 15, 2014 and June 15, 2015 passed by the Hon'ble CIC and requested to direct the respondent to provide the desired information. I note that the appellant has not made any submission as to how the said orders are relevant in the extant matter. Further, I note that both the orders dated December 15, 2014 and June 15, 2015 passed by the Hon'ble CIC, pertain to issues relating to postal- tariffs, service-tax and revenue loss on Postal Orders. I note that the facts and circumstances of the said matters were totally different. In view of the said observations, I do not find any merit in the submission of the appellant.
13. I note that the appellant, in his appeal, also requested to withhold the adjudication proceedings till the appellant receives the information. In this regard, I note that the Hon'ble CIC, in the matter of *Shri Matloob Ahmed v. Delhi Police, East District* (Decision dated January 11, 2013), held: "*The R.T.I. Act cannot be used to make the respondent to do certain things or to take certain action.*" In view of the same, I am of the opinion that the said request of the appellant does not warrant consideration at this stage.
14. 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: May 17, 2022

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