

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

**Appeal No. 6020 of 2024**

|                    |    |            |
|--------------------|----|------------|
|                    | :  | Appellant  |
| Sundeep            |    |            |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated May 28, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 30, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00107) dated May 31, 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 application dated May 28, 2024, sought the following information:

*SEBI has released a FAQ dated 14 May 2024. FAQ number 12 says: clients in whose case, PAN Aadhaar linkage are not found to be verified, shall be allowed to transact with the existing intermediary subject to valid PAN.*

*1) Please state the definition of valid PAN.*

*2) How can a PAN holder prove that PAN is valid?*

*3) Is PAN considered invalid merely because it is not linked with Aadhaar number?*

*4) If the answer is yes to number 3, why does Income Tax Rule 114AAA w.e.f. 1 April 2023 state that such PAN are only made inoperative and lists the consequences none of which say that such PAN cannot be quoted, furnished or intimated?*

*5) If the answer is yes to number 3, why has the Ministry of Finance stated in Rajya Sabha that such PAN are not deactivated in its answer to unstarred question 1017 on 12 Dec 2023?*

3. **Reply of the Respondent** - The respondent, in response to the aforesaid requests informed that the information sought is in the nature of seeking clarification. Accordingly, the same cannot be construed as “information”, as defined u/s 2 (f) of the RTI Act, 2005.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that he has been refused access to information requested.

5. I have perused the requests in the application and the response provided thereto. On perusal of the appeal, I find that the appellant has cited a Supreme Court Judgement and has submitted that information sought must be provided as long as it is on record, whether it is opinion or advice. In this regard, I note that the applicant has not requested any documents or materials that are part of the records maintained by the respondent. Instead, the applicant has sought clarification, opinion and explanation from the respondent. This type of request falls outside the purview of the RTI Act, which is designed to provide access to existing information held by public authorities. The RTI Act mandates public authorities to furnish factual information available in their records, but it does not oblige them to create new information, provide interpretation, or give opinions/explanations as per the desire of the appellant under the ambit of 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), whereby the 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 of the respondent.
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: June 6, 2024

**B RAJENDRAN**

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