

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

**Appeal No. 5164 of 2022**

|                    |    |            |
|--------------------|----|------------|
| Rohit Rana         | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated June 04, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 28, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00431) dated July 01, 2022. 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. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. In view of the submissions made by the appellant in his appeal, I am dealing with the queries and the response provided by the respondent, in the following paragraphs.
3. **Query numbers 1, 2, 3, 4 and 5-** The appellant, vide query numbers 1, 2, 3 4 and 5, sought the following information-

- “1) How Much Amount has returned/distributed in Shabara India case to Investors till date?*
- 2) What is the Status for Jharkhand State Investors? what amount of money has returned till date? If not then why so ?*
- 3) In continuation of above if there is any issue please furnish in details.*
- 4) Is there any chance for Jharkhand State investors to get back each amount of depositors/investors from concerned authority/ Organization soon? if not then what is the timeline ?*
- 5) why it is getting so delay in this/above mentioned process. Since there are multiple/uncountable families in Jharkhand who has various issues like marriage of his/her children, medical treatment, education, business etc.”*

4. The respondent, in response to the aforesaid queries, informed that the appellant has not mentioned any name of the scheme or company of Sahara Group of Companies. However, the respondent provided information regarding the order passed by Supreme Court with respect to two of the group companies of Sahara Group namely Sahara India Real Estate Corporation Limited (SIRECL) and Sahara Housing Investment Corporation Limited (SHICL). The respondent also provided information regarding number of applications received/ number of investors refunded, amount refunded etc. The respondent also informed regarding status of the interlocutory application filed before the Hon'ble Supreme Court for seeking further directions in the matter. The appellant, in his appeal, submitted that the information is incomplete and nor satisfactory.
5. I have perused the aforesaid queries and the response provided thereto. I note that the appellant has not specified the name of the company with respect to which information is sought. Notwithstanding the same, I note that the respondent has providing the information available with him regarding SIRECL and SHICL. Further, I note that the said response includes details such as number of refund applications received/ amount refunded to investors with respect to the two group companies. Accordingly, I find that the respondent has adequately addressed the queries and no further intervention is warranted at this stage.
6. Further, I note that the appellant, in his appeal, *inter alia*, sought information regarding any petition filed before the Hon'ble Supreme Court for next action plan. The appellant also referred to the cut-off date of July 02, 2018 mentioned by the respondent in his response and queried how the uneducated investors can apply and get refund of the invested money. I find that these queries were raised for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said requests do not warrant consideration at this stage.
7. **Query number 6-** The appellant, vide query number 6, sought the following information

*“6. what if investors will not receive their invested amount earliest? who will be responsible for bad consequences.”*

8. The respondent, in response to the aforesaid queries, informed that the queries are hypothetical in nature. Hence, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act.
9. I have perused the queries and the response provided thereto. On consideration, I find that the queries are hypothetical in nature. In this context, I note that the Hon’ble CIC, in the matter of *Parvinder Singh vs. Public Information Officer under RTI* (Order dated July 19, 2021), held that, “12. Nevertheless, Commission has gone through the case records and on the basis of proceedings observes the information sought by the appellant is clarificatory in nature and thus, doesn't qualify as information as per Section 2(f) of the RTI Act, 2005. Further, PIO is required to provide information as available with them in form of records, documents, memos, emails, opinions, advises, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data material held in any form and not supposed to create information or interpret information in respect of clarifications, hypothetical & futuristic queries.” In view of these observations, I do not find any deficiency in the response.
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: July 27, 2022

ANAND BAIWAR

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