

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

Appeal No. 5756 of 2023

Raju Nandlal Thakur	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 06, 2023 (received by SEBI on June 14, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 11, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated July 15, 2023 (received by the Office of Appellate Authority on July 19, 2023). 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 it appears that the appellant has forwarded the copy of the application dated June 06, 2023 with “*Appeal on 15/07/2023*” written on the first page along with signature of the appellant. I also find that the appellant has not mentioned any specific grounds for filing the appeal. In view of the same, I am dealing with the queries raised by the appellant and the response provided thereto, in this order.
3. **Queries in the application-** The appellant, in her application dated June 06, 2023, raised the following queries:

“1. I want information according law of SEBI can be executer owner of properties including shares made by deceased. I want information from you to get me understand according law of SEBI and law of India to read properly by will of my late husband Mr. Nandlal to give me information whose name should be on share crt of MRF Ltd name of executor made by my Late husband Nandlal or MRF Ltd should transfer share crt on my name. Because my late husband clearly written in his will dated 22.02.2002 that his legal heirs are his both sons and his wife (me) but he is clearly describing in his this will dated 22.02.02. That on page no.-1 and page no. 2 that I hereby bequeath my residence, Mahim property on his wife (me) name and my Late husband added in his this will on page no- 2

that shares in various companies, UTI Investment (in different companies) all my bank accounts, locker...Nandlal added in his this will that he (Nandlal) hereby leave, gives & bequeath the properties as favour of Raju. Thakur.

2. I want information from SEBI what it says by my Late Husband in above paragraph described by me of described by my Late husband.

3. I want information from SEBI that described by my Late husband on page no. 3 in this will dated 22.02.2002 that he is making executer my son Manoj Nandlal Thakur. I want information from SEBI in there described any where in will dated 22.02.2002 that he is making owner of his movable immovable properties on the name of executer Mr. manoj made by Late Nandlal.

4. Give me information from you what will SEBI take action on MRF Ltd to send me letter by MRF ltd on 01.07.2022, on 15.02.2022, on 02.03.2022 to do crime to not give importance to write by my late husband to make me sole owner of his movable and immovable properties not to executer my son Manoj Thakur to send me letter on 02.03.2022 to write me that my Late husband has made owner to executer my son Mr. Manoj N. Thakur.

5. I want information from SEBI to give information has SEBI has made new law against made law by government to go with the will of deceased. And deceased my husband has made me sole owner of his movable immovable properties.

6. I want to give me writing from SEBI to let me know to give me in writing that MRF ltd should transfer one share crt on whose name.

7. I want information from SEBI to give me writing MRF Ltd company should transfer on whose name on executer name, or on my name (wife of late Nandla Mrs.Raju. Nandlal Thakur.)

8. I want information from SEBI about described by my late husband has clearly written in his will dated 22.02.2002 that I will be owner of his movable immovable properties and shares after death. What it means according law am I nominee of my husband or not. Because MRF Ltd. has written me 29.10.2021 no nomination has been registered under Folio no T0.....5 by my late husband. I want information from SEBI what will be action on MRF Ltd. to modify will dated 22.02.2002 of my Late husband.

9. For information of SEBI, I have transferred more than 200 companies of shares name of my late husband Nandalal all my shops and my residence have been transferred on my name only and I have got original NOC of my both sons to transfer all movable immovable properties including shares to give respect to original will dated 22.02.2002 on my name.

10. Now I am leaving on SEBI to write me should MRF Ltd Company transfer one share of MRF LTD on my name of executer. I am leaving on SEBI to decide on whom MRF Ltd. should transfer one share of MRF on executer name or on nominee name. Sending you written by MRF Ltd. to me that my Late husband Mr. nandlal has not made nominee in his will dated 22.02.2002.

11. I expect from SEBI to go law made by SEBI and by Government. Still I am leaving to decide by SEBI to give Order to MRF Ltd on whom MRF Ltd should transfer one share of MRF on my name (wife of late Nandalal) or on executer made by my late husband Nandalal in his will dated 22.02.2002. I will give respect to take decision here. I will accept what SEBI will decide to give order to MRF Ltd.”

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 can be construed as seeking “information” as defined under section 2(f) of the RTI Act. Further, the respondent provided information regarding lodging of grievance, if any, on the SCORES portal of SEBI and tracking the status of the same. The respondent also provided the toll free helpline numbers launched by SEBI to facilitate replies to various queries of the general public on matters related to securities market. The appellant was also advised to refer to the FAQs on “Investor Grievances- SCORES”, available on the SEBI website. The respondent also provided the link for accessing the said FAQs.
5. I have perused the queries and the response provided thereto. I find that the queries are more in the nature of seeking clarification/ opinion/guidance from the respondent. I note that the respondent is not supposed to provide clarification/ opinion/guidance; or to interpret information; or to compile information 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) where similar information was sought by the appellant. The Hon’ble CIC, in the said matter, observe 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.” In view of these observations, I find that the said queries cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. Accordingly, I do not find any deficiency in the response.

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: August 18, 2023

ANAND BAIWAR

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