

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

Appeal No. 5660 of 2023

Manish Goel	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 05, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 02, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00083) dated May 03, 2023. 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. **Queries in the application** –The appellant, in his application dated April 05, 2023, *inter alia*, stated that it had come to his knowledge that SEBI made phone calls to Maco Securities Pvt Ltd in Bangalore to confirm his employment with Maco Securities Pvt Ltd. In this regard, the appellant sought the following information:

- (1) Name and employee code of Sebi employees who made phone call to Maco Securities Pvt ltd for above mentioned confirmation of employment with Maco Securities.*
- (2) Date and time on which phone call was made to Maco Securities Pvt ltd for above mentioned confirmation.*
- (3) Call transcript/recording copy of above mentioned phone calls.*
- (4) Details of Phone number at which phone calls were made by SEBI.*
- (5) Copy of internal notings/records/memo of Sebi where this fact that phone call/s were made, was registered/ mentioned/ recorded.*
- (6) Copy of all documents in which above fact that above mentioned phone call/s was/were made, is written/ recorded/ mentioned.*

3. The respondent, response to the aforesaid queries, informed that the queries are based on surmises and are in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, submitted that the respondent gave frivolous and unlawful reasons for not providing the information.
5. I have perused the query and the response provided thereto. In my opinion, the queries of the appellant are presumptive in nature. I agree with the response of the respondent that the queries are based on surmises. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon’ble CIC held: “*The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.*” In view of these observations, I find that the queries cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act.
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: May 11, 2023

B RAJENDRAN

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