

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

Appeal No. 6013 of 2024

Krishna Mukunda	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 07, 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 16, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00101) dated May 17, 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. **Requests in the application** - The appellant, vide his application dated May 07, 2024, sought the following information:

“SEBI vide its confirmatory order dated 26th April 2024 on Growpital Platform has unfrozen accounts of its founders. Following may be answered over email – muk...@protonmail.com:

- 1. Why was the investors money not ordered to be returned ?*
- 2. what is the tentative timeline for the release of investors money ?*
- 3. why investors money should not be sought to be refunded along with the interest portion ?*

3. **Reply of the Respondent** - The respondent, in response to the requests informed that information sought are in the nature of seeking clarification/opinion and action from SEBI. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act, 2005.

However, the respondent informed that Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”) has issued confirmatory order dated April 26, 2024 in the matter of Growpital Platform and pursuant to the said order, investigation in the matter has been initiated and is under progress. Further, the respondent informed that SEBI conducts examinations and investigations confidentially in a holistic manner. In view of the same, disclosure of details related to the matter may impede the process and is

therefore exempt from disclosure in terms of Section 8(1)(h) of the RTI Act, 2005. Additionally, the respondent informed that post investigation, whenever violations are established, appropriate enforcement actions are taken under the provisions of the SEBI Act, 1992 and Regulations framed thereunder which culminate in the issuance of Orders. Further, the respondent informed that these orders are available in public domain and can be assessed from the SEBI website.

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 request and the response provided thereto. I note that the appellant in his application has, *inter alia*, sought information related to refund of investor money in reference to SEBI order dated April 26, 2024 in the matter of Growpital Platform. On consideration, I concur with the response of the respondent that the information sought is in the nature of seeking clarification/opinion from the respondent. It is understood 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. I find that the said request 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 confirmation under the RTI Act. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") 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.
6. Notwithstanding the above, I note that the respondent has informed the appellant that investigation in the matter has been initiated by SEBI and the same is under progress. Further, I note that information regarding any regulatory action taken by SEBI, would be available on the website of SEBI. Accordingly, I do not find any deficiency in the response.

7. Further, I note that the appellant in his appeal is seeking additional information regarding matter of Growpital Platform. On consideration, I find that the appellant is now seeking new information pertaining to his aforesaid application. 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 submissions do not warrant consideration at this stage.
8. 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 22, 2024

B RAJENDRAN

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