

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

Appeal No. 5842 of 2023

Ronak Kedia : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant filed an application dated October 18, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated October 30, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00233) dated November 01, 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. **Requests in the application** - The appellant, vide his application dated October 18, 2023, *inter alia*, sought the following information:

“1) CAN A SHARE HOLDER HIRE AN ADVOCATE TO REPRESENT HIM/HER FOR COMPLETING THE PROCESS OF CONVERSION OF PHYSICAL SHARES INTO DEMAT?

2) IS THERE ANY PROHIBITORY LAW OR RULE BY SEBI WHEREBY AN INDIVIDUAL IS BARRED FROM HIRING AN ADVOCATE FOR ANY OF THE ABOVE LISTED PURPOSES INCLUDING GIVING ADVERTISEMENT IN THE NEWS-PAPER FOR LOSS OF SHARE CERTIFICATE? IF YES, THEN GIVE DETAILS.

3) WHAT FORM OF AUTHORITY IS REQUIRED BY THE ADVOCATE TO REPRESENT THE INDIVIDUAL SHARE HOLDER BEFORE THE COMPANY OR THE CONCERNED RTA? VAKALATNAMA / AUTHORITY LETTER (IN NAME OF COMPANY OR GENERAL) / POA (GENERAL)”

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

4. **Ground of appeal-** The appellant has filed the appeal on the ground that information provided was incomplete, misleading or false information.
5. I have perused the request and the response provided thereto. On consideration, I find that the request of the appellant is in the nature of seeking clarification/opinion/guidance 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/opinion/guidance under the RTI Act. In this context, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon'ble CIC. Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon'ble CIC held: "... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...". 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

B RAJENDRAN

Date: November 20, 2023

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