

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

Appeal No. 6369 of 2025

Swaminath Singha	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 20, 2025 (received by SEBI on March 24, 2025) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 22, 2025, responded to the application filed by the appellant. The appellant filed an appeal dated April 29, 2025 (received by the Office of Appellate Authority on May 06, 2025). 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. **Queries in the application-** The appellant, in his application dated March 20, 2025, sought the following information regarding a letter dated September 24, 2019 received by SEBI:
 1. *In which date you have received the letter from the Hon’ble Finance minister as ventilated in ref above?*
 2. *Had you responded to the letter of the Hon’ble Finance Minister? If so what was the result?*
 3. *About 5 years 6 months are running from the date of your receiving your letter. Do you agree?*
 4. *Master Circular of SEBI in respect of Freezing the four A/cs of Swaminath Singha does not fall in General Criminal Law i.e. the CRPC or IPC as per rulings of the Hon’ble Justice Sabyasachi Bhattacharya of Calcutta High Court in W.P.O No: 1626 of 2023, Vishambhar Soren vs. Punjab National Bank and Anr. Do you agree to this Ruling? Can you deny this?*
 5. *Can you deny the judgement of Bombay High Court in Ramesh Sitaldas Dalal & Anr Vs The State of Maharashtra and ors on 12.11.2023 4:00 pm, neutral citation 2023:BHC-AS:34459- DB which is as*

“Freezing of the bank accounts was manifestly arbitrary and against the mandate of law. By such drastic and high handed action, the Investigating Officer compelled the petitioner to beg and borrow from their relatives for their survival and sustenance, striking at the very right to live with human dignity” This ruling has been put under inverted coma as it is the well settled principle of law.?

6. *Can you deny the judgment of the Hon’ble Justice Sabyasachi Bhattacharyya of Calcutta High Court in W.P.O No. 1626 of 2023, Vishambhar Soren vs. Punjab National Bank & Anr dt 17. 11. 2023 which is as “the right to live with dignity is an integral part of human being, enshrined and guaranteed by the article 21 of the Constitution of India. Equality before the law is another important aspect, guaranteed under article 14 of the Constitution. The moment arbitrariness and for malafides is exhibited against a citizen of India, a contravention of article 14 occurs.”*
7. *Does Master Circular overrule the above two judgements as ventilated in serial number no. 5 & 6 above?*
8. *Are you aware of the fact that Swaminath Singh M/s/ is a serious type of “CANCER PATIENT” who is under treatment of Tata Memorial Hospital, Mumbai since 2021 & two time operations had been done in rectum & Lungs, Spending a large amount of money?*
9. *Do freezing/Holding of four A/cs of Swaminath Singha attracts the judgements of High Courts (vide serial no: 5 and 6 above)?*
10. *As per recent direction of the Hon’ble Chief Justice of India Humanitarian grounds must be seen first along as the law. I have applied to you & all concerned to consider the case of the defreezing the bank A/c on humanitarian ground & Natural Justice to save the life of a cancer patient.*
Does not the case of defreezing the A/cs attracts the direction of the Hon’ble Chief Justice of India? If yes, why not the freezinf A/c be defreezed at least on Humanitarian Ground?
My only daughter Shila has died on 06/06/2023 by this Marah Rog Cancer. Does it not fall in Humanitarian ground?
11. *As per the rulings of the Supreme Court of India, any case cannot be kept pending for an indefinite period. Freezing/Holdings have been done in the year 2019 & so on. Now the age of the freezing A/cs is running six years. Master Circular of SEBI cannot be bar in defreezing the A/c. Can you deny it on the light of the order of the Supreme Court of India?*
Have you imposed bar on selling the lands of Apna Pariwr Agro Farming India Ltd.?
12. *Role of Swaminath Singh in the company was a Director on paper only as it is crystal clear in the full body resolution of the directors dt 14-05-2014 vide no. AP/HO/BRD/21/2013-2014 dt 14-5-2014. A copy of this is given herewith.*
Can a resolution of the full body of Directors (given herewith) be denied?

13. May I request you to defreeze the four accounts (details given herewith as annexure) of Swaminath Singha so that he may continue his treatment in TMH, Mumbai & be released from financial crisis, money taken from others?"

3. **Reply of the Respondent** - The respondent, in response to query no. 1 in the application, informed that the letter dated September 24, 2016 was received in SEBI on July 10, 2019.

The respondent, in response to query no. 2, informed that SEBI had provided a detailed reply to Ministry of Finance on May 06, 2021.

The respondent, in response to query nos. 3 to 13, informed that the information sought is in the nature of seeking clarification /opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

However, the respondent has also informed that vide order bearing Ref. No. WTM/GM/EFD/DRAIII/15/2018-19) dated May 3, 2018, SEBI has held the company, i.e., Aapna Pariwar Agro Farming Developers India Limited and its directors / promoters liable for the illegal/unauthorized mobilization of funds from the public and the said order is in force since the same has not been set aside by the appellate forums. The respondent also informed that due to the non-compliance of the said order of SEBI by the appellant, recovery certificate and notice of attachment were issued to him. The respondent informed that the recovery proceedings shall continue till the amount stated in the recovery certificate shall be recovered and any attachment, prohibitory order etc. will appear on the website of SEBI. The respondent mentioned that if the appellant is aggrieved by the above mentioned proceedings, he may file an appeal with Securities Appellate Tribunal.

4. **Ground of appeal**- On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the application and the response provided thereto. On consideration, with respect to query nos.1 and 2, I find that the respondent has provided the information available with him. I also note that appellant in his appeal has challenged the correctness of the response to query no. 1 i.e. the date of receipt of letter dated September 24, 2019. In this context, based on the records before me, it appears that the date of the aforementioned letter has been incorrectly mentioned as September 24, 2016 in the reply of the respondent. In light of the above observations, I do not find any deficiency in the response of the respondent.

6. With regard to query nos. 3 to 13, I agree with the response of the respondent that the appellant's queries are in the nature of seeking clarification/confirmation from the respondent. I find that the said queries 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/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 (**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 of the respondent.
7. 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 16, 2025

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