

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

Appeal No. 6097 of 2024

Manu Banga	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 25, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 01, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00163) dated August 01, 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. **Request the application** - The appellant, vide his request of the application dated July 25, 2024, sought the following information:

“1. please provide the mail received on Monday 22 July 2024, 1:45 pm , Please provide the mail received on Monday 22 July 2024 1:45 PM hariharan@sebi.gov.in, sangeetar@sebi.gov.in, murugann@sebi.gov.in from xxxxxxxx@gmail.com ? Yes/ No

2. If yes please provide the Action taken report and if no attach the detail of date 22 July 2014 as mail delivery is confirmed from the SMTP GMAIL server mail attached on the cited subject as
Stealing of shares from my Demat account no xxxxxxxx PAN No. xxxxxxxxxx using Power of Attorney without consent by Aarti Madan of my demat account transferred from Karvy Stock Exchange to IIFL Panchkula on no AMC Charges for first year.”
3. **Reply of the Respondent** - The respondent, in response to queries 1 and 2 of the application, informed that the request 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, 2005. However, the respondent provided information regarding lodging of grievance, if any, on the SCORES portal of Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”) and tracking the status of the same.

4. **Ground of appeal** - The appellant filed the appeal on the ground that he was refused access to information requested.
5. I have perused the aforesaid requests and the response provided thereto. As regards request no. 1 of the application, I concur with the response of the respondent that the said request is in the nature of seeking clarification/confirmation from the respondent. 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 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. As regards request no. 2 of the application, I note that the respondent has sought Action Taken Report with respect to his email dated July 22, 2024 sent to SEBI. On consideration, I find that the said request of the appellant is very specific and hence, the response provided by the respondent does not appear to be adequate. In my view, the respondent was obliged to ascertain availability of the requested information with SEBI and whether the same may be provided to the appellant in accordance with the provisions of the RTI Act. On consideration, I find that the aforesaid request has not been adequately addressed.
7. Considering the above observations, I remit the application to the respondent for *de novo* consideration of request no. 2 of the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.

8. The Appeal is accordingly disposed of.

Place: Mumbai

Date: August 27, 2024

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