

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

Appeal No. 5788 of 2023

William P	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 24, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 22, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00187) dated August 24, 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 made in the application** –The appellant, vide his application July 24, 2023, requested to provide the current status of the recovery proceedings initiated against Assure Agrowtech Ltd. The appellant also stated that there is no update in sebi official site after April 17, 2023. Further, the appellant requested to inform when he will get back the money invested in Assure Agrowtech Ltd.
3. The respondent, in respect of the request regarding update in the recovery proceedings, informed that the requested information is publicly available on the SEBI website. The respondent also provided the link for accessing the said website. Further, with respect to other information sought regarding refund, the respondent informed that the request is in the nature of seeking clarification/opinion and 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, in his appeal, has not mentioned any specific ground for filing the appeal. Further, the appellant requested to provide information about the current status of the recovery proceedings in the matter of Assure Agrowtech Ltd.

5. I have perused the request regarding current status of the recovery proceedings against Assure Agrowtech Ltd. and the response provided thereto. In my opinion, 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. On consideration, I find that the respondent has adequately guided the appellant to access the information regarding status of the recovery proceedings in the matter of Assure Agrowtech Ltd., as available on record. Accordingly, I do not find any deficiency in the response.
6. Further, I have perused the appellant's request regarding refund of his money and the response provided by the respondent. On consideration, I am of the opinion that the request is in the nature of seeking clarification/ opinion from the respondent regarding a future event, which cannot be construed as an information available on record. Further, I note 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. In view of these observations, 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 opinion under the RTI Act.
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: September 22, 2023

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