

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

Appeal No. 5008 of 2022

Anupamaa Kaalra	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 24, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 18, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated April 24, 2022. 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. **Queries in the application** –The appellant, vide 17 queries in her application dated March 24, 2022, sought information pertaining to transfer of shares and change of directorship in a Private Limited Company registered with MCA. The appellant, vide query number 17, sought the following information-

*“17. Is It True That According To SEBI 3.2 No Objection Certificate From Legal Heirs For Transmission Of Securities 3.2.1 As Per Clause (C)(2b) Of Schedule VII Of LODR, Affidavit Made On Appropriate Non Judicial Stamp Paper, To The Effect Of Identification And Claim Of Legal Ownership To The Securities Shall Be Required In Case Of Transmission Of Physical Securities And Additionally The Following Needs To Be Submitted For Value Of Securities Upto Rs. 2 Lakh:
(I) No Objection Certificate From All Legal Heir(S) Who Do Not Object To Such Transmission, Or
(Ii) Copy Of Family Settlement Deed Duly Notarized Or Attested By A Gazetted Officer And Executed By All The Legal Heirs Of The Deceased Holder Along With An Indemnity.”*

3. The respondent, in response to query number 17, informed that the query is in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information” under Section 29f) of the RTI Act. However, the respondent advised the appellant to refer to Regulation 40 read with Clause C of Schedule VII of the SEBI (Listing Obligations and Disclosures Requirements) Regulations, 2015. The respondent also provided the link for accessing the same.

4. The appellant, in her appeal, *inter alia*, submitted that out of the 17 queries, the respondent has only provided information with respect to one question i.e. query number 17. The appellant also submitted that she was seeking information and confirmation of the procedure of transfer of shares and directorship in case of Hindu intestate death. Further, the appellant also stated she requires the information with respect to query numbers 1, 2, 4, 6, 9, 10, 11 and 13.
5. I have perused the query number 17, and the response provided thereto. On consideration, I find that the query of the appellant is in the nature of seeking clarification/opinion from the respondent. 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 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...*". In view of these observations, I find that the said query 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.
6. Notwithstanding the above, I note that the respondent has guided the appellant to access the relevant regulations, which are available on the SEBI website. Accordingly, I do not find any deficiency in the response.
7. With respect to rest of the 16 queries, I find that same have not been addressed by the respondent. Further, I note that the appellant, in her application, has nowhere mentioned that she wants information with respect to only query number 17. In view of the submissions made by the appellant in her appeal, I am of the opinion that query numbers 1, 2, 4, 6, 9, 10, 11 and 13 warrant reconsideration by the respondent.
8. Considering the above observations, I remit the matter to the respondent for reconsideration of query numbers 1, 2, 4, 6, 9, 10, 11 and 13 of the application dated March 24, 2022, and to send appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.

9. The Appeal is accordingly disposed of.

Place: Mumbai

Date: May 19, 2022

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