

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

Appeal No. 5564 of 2023

Rohit Singh Chauhan	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated November 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 December 13, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00017) dated January 16, 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. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent with respect to query numbers 1, 2, 3, 4 and 5. In view of the submissions made by the appellant in his appeal, I am only dealing with the said queries and the response provided thereto, in this order.
3. **Query numbers 1, 2, 3 and 5-** The appellant, vide query numbers 1, 2, 3 and 5, sought the following information-

“1. Is there a cross check procedure to check documents provided by research analyst against the complaint of client.

2. Was in complaint SEBIE/MH22/00.....29/1 the privacy policy terms provided by Shrimoney company was cross checked

3. What are the facts which made the above complaint fit to be disposed of as complainant was against the company it violates the fundamental right and breach of contract

5. Does SEBI allow any such type of lines in the contract to disclose the information of the client to any party without his consent. Exception court order or gov bodies or security issuer.”

4. The respondent, in response to the aforesaid queries, informed that the queries are 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. The appellant, in his appeal, *inter alia*, submitted that vide point numbers 1, 2, 3 and 5, he had sought information with respect to his case.
5. I have perused the queries and the response provided thereto. On consideration, I find that the queries are 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 compile information as per the desire of the appellant under the ambit of the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) where similar information was sought by the appellant. The Hon’ble CIC, in the said matter, observe that “7. *The Commission, after bearing 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.*” In view of these observations, I find that the said queries cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. Accordingly, I do not find any deficiency in the response.
6. **Query number 4-** The appellant, vide query number 4, sought the following information-

“4. What action is taken against the research analyst giving wrong facts to SEBI.”

7. In response to the aforesaid query, the respondent informed that action taken against intermediary by SEBI is available on SEBI website. The respondent also provided the link/path to access the orders passed by SEBI.
8. I have perused the query and the response provided thereto. I note that appropriate enforcement actions are taken by SEBI under the provisions of the SEBI Act, 1992 and regulations framed thereunder, which culminate in the issuance of orders. Further, these orders are made available in public domain and can be accessed from the SEBI website under the head “Enforcement”. I note that the orders passed by SEBI against any intermediary, will be available on the SEBI website. The respondent has also provided the

link for accessing the said orders. The appellant may be guided accordingly. In view of these observations, I do not find any deficiency in the response.

9. 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: February 03, 2023

A SUNIL KUMAR

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