

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

Appeal No. 6296 of 2025

Ashok Kumar Agarwala	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 06, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 29, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated November 20, 2024, with respect to which an order dated December 19, 2024 (in Appeal No. 6237 of 2024) (hereinafter referred to as “**FAA Order**”) was passed by this forum, directing the respondent to reconsider query nos. 1, 2 and 3 in the application of the appellant. Thereafter, the respondent issued a letter dated December 23, 2024. The appellant has now filed an appeal dated January 07, 2025 (received by the office of appellate authority on January 13, 2025) for non-compliance of the said order dated December 19, 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. I note that the appellant, vide query nos. 1, 2 and 3 in his application dated October 06, 2024, sought the following information:

“ 1. Please let me know why my complaint reference no. SEBIE/WB24/NORT/009298/1 with the SCORES has been disposed off without giving me any chance to reply?

2. There is nothing sub-Judice towards the Auction difference debit as the TM filled the appeal against the award passed for the excess brokerage charged by the TM and NOT for auction difference debit by the TM in the name of the NSE. Then why my complaint with SCORES for unauthorised Auction debit has been dismissed, which is never been sub-judice?

3. My complaint is not against the TM but is against the NSE who is the ultimate beneficiaries of the excess amount of Auction difference charges recovered from the Investor through its Trading Member named M/s SMIFS Ltd (TM), why the NSE has not given any reply on this?"

3. The respondent, vide letter dated December 23, 2024, informed that the appellant's queries are 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.
4. **Ground of Appeal** – On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, has disputed that the information sought by him is in the nature of clarification/opinion.
5. I have perused the application and the response of the respondent dated December 23, 2024. On consideration, I concur with the response of the respondent that query nos. 1, 2 and 3 are in the nature of seeking clarifications/opinion. Further, I also find that the said queries appear to be interrogative in nature. In this context, I note that the Hon'ble Central Information Commission, in the matter of *Laxman Prasad Kayal vs. CPIO, State Bank of India (Order dated June 20, 2023)* held that "9. The Commission based on a perusal of the facts on record finds that the dissatisfaction of the Appellant with the reply provided by the CPIO is bereft of merit as the RTI Application merely seeks for clarifications and answers to interrogative queries. It appears that the Appellant is harbouring a grievance and is not seeking access to information as envisaged under the RTI Act." 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 of the respondent.
6. In view of the above observations, I am of the opinion that the respondent had sent an appropriate response to the appellant in compliance with the FAA Order. The appeal is accordingly dismissed.

Place: Mumbai

Date: February 07, 2025

RUCHI CHOJER

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