

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

Appeal No. 6184 of 2024

Sunny Agarwal	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 10, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated September 30, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00236) dated September 30, 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. **Ground of appeal** – The appellant has filed the appeal on the ground that he has been refused access to information requested.
3. **Query No.1, 5 and 6 in the application** - The appellant, vide his query nos. 1, 5 and 6 in his application dated September 10, 2024 sought the following information:

"Q1) IS BROKER HAS THE RIGHT TO NOT ALLOW REVOCATION OF RUNNING ACCOUNT SETTLEMENT? KINDLY REPLY WITH YES OR NO"

.....

Q5) WHAT IS CRITERIA TO SELECT THE MEMBER OF SECONDARY MARKET ADVISORY COMMITTEE? AND HOW THE MEMBERS ARE APPOINTED?

Q6) HOW CAN GENERAL INVESTOR CAN FILE THERE NOMINATION FOR BEING A MEMBER OF SECONDARY MEMBER ADVISORY COMMITTEE?"

4. **Reply of the Respondent** - The respondent, in response to the query nos. 1, 5 and 6 in the application informed that 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.
5. I have perused the aforesaid query and the response provided thereto. On consideration, I concur with the response of the respondent that the said query is in the nature of seeking clarification/opinion from the respondent. I find that the said requests cannot be construed as seeking 'information' as defined under section 2(f) of 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 (hereinafter referred to as "**CIC**") 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/advice 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. **Query Nos. 2, 3 and 4 in the application** - The appellant, vide his query nos.2, 3 and 4 in his application sought the following information:
- "Q2) KINDLY PROVIDE THE STUDY DONE ON PRICE FREEZE WHICH BENEFITED RETAIL INVESTOR?*
- Q3) NO OF COMPLAINT RECEIVED AGAINST BROKER FOR NOT ALLOWING BILL TO BILL SETTLEMENT AND/OR REVOCATION OF RUNNING ACCOUNT? WITH DETAILS OF BROKER AGAINST WHICH COMPLAINT HAS BEEN FILLED.*
- Q4) ACTION TAKEN AGAINST BROKER FOR NOT ALLOWING REVOCATION OF RUNNING ACCOUNT?"*
7. **Reply of the Respondent** - The respondent, in response to the query nos. 2, 3 and 4 in the application informed that appellant's queries are vague and not specific. Accordingly, the same cannot be construed

as “Information”, as defined u/s 2(f) of the RTI Act. Additionally, w.r.t query no.4, the respondent informed that the details of enforcement actions taken by SEBI against any broker is available on SEBI website and provided the link for accessing the same.

8. I have perused the aforesaid queries and the response provided thereto. I concur with the response of the respondent that the query nos. 2, 3 and 4 in the application are vague. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) held: *“The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.”* Accordingly, I do not find any deficiency in the response of the respondent.
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: October 25, 2024

RUCHI CHOJER

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