

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

Appeal No. 5572 of 2023

Manish Goel	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 25, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 24, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00021) dated January 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. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, stated that the CPIO refused to provide information based on frivolous and unlawful reasons. In view of the submissions made by the appellant in his appeal, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query number 1-** The appellant, vide query number 1, sought the the supporting document/material based on which SEBI made the statement/allegation that --Manish Kumar Goyal resigned from S.C.& Associates on June 01, 2006.
4. The respondent, in response to the aforesaid query, informed that the information sought by the appellant is available in the SEBI order dated November 18, 2022 and is already available to the appellant. The respondent also informed that the information sought is similar to the representations received from the appellant dated December 20, 2022 and December 23, 2022, in response to which a letter dated January 12, 2023 was sent to the appellant.
5. I have perused the query and the response provided thereto. I find that the query 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 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 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/ 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.

6. Notwithstanding the above, I note that the respondent has provided the information available with him. I find that the query has been adequately addressed and no further intervention is warranted at this stage.
7. **Query numbers 2, 3 and 4-** The appellant, vide query number 2, *inter alia*, sought the date on which SEBI sent its officials physically for confirmation of employment of Mr. Manish Goyal. Vide query number 3, the appellant sought the result of the physical verification mentioned in query number 2. Vide query number 4, the appellant sought all the documents available with SEBI, related to physical verification mentioned at query number 2.
8. The respondent, in response to query number 2, informed that no such information is available with SEBI. In response to query number 3 and 4, the respondent informed that the queries are not applicable in view of the response given with respect to query number 2.
9. I have perused the queries and the response provided thereto. I find that the respondent has adequately addressed the queries by providing the information available on record. Accordingly, I do not find any deficiency in the response.
10. **Query numbers 5, 6 and 7-** Vide query number 5, the appellant, *inter alia*, sought the exact time and number of phone calls made by SEBI officials to the compliance officer of Sun Pharma Pvt. Ltd. on certain days. Vide query number 6, the appellant queried whether SEBI keeps the transcripts/

interception/ recording of official phone calls made by its employees. The appellant also requested to provide the relevant policy document. Vide query number 7, the appellant sought recordings of the phone calls made by SEBI officials to the compliance officer of Sun Pharma Pvt. Ltd. on certain days.

11. The respondent, in response to the aforesaid queries, informed that SEBI does not have any phone calls recording system.
12. I have perused the queries and the response provided thereto. On consideration, I find that the respondent has addressed the queries by providing the information available with him. Further, I note that the appellant has not made any specific submission with respect to the said response of the respondent. In view of these observations, I find that no further intervention is warranted at this stage.
13. **Query number 8-** The appellant, vide query number 8, *inter alia*, sought the copy of further documents added in his file after the inspection in June 2022.
14. The respondent, in response to the aforesaid query, informed that the inspection was granted on June 21, 2022 and copy of all the documents were provided to the appellant. Subsequently, the proceedings were concluded and the order dated November 18, 2022 was passed by SEBI. The respondent stated that the order contains all the information on the basis of which the PMS registration of MSRAPL was rejected. Further, the documents that were added pursuant to the inspection in June 2022 i.e. Complaints filed by the appellant, correspondences between SEBI and the appellant and the SEBI order dated November 18, 2022, were already available with the appellant.
15. I have perused the query and the response provided by the respondent. On consideration, I find that the respondent has provided the details of the documents added in the file referred to by the appellant. The respondent has categorically stated that the said documents are already available with the appellant. I do not find any reason to disbelieve the response provided by the respondent. Further, I note that the appellant has not made any specific submission regarding the said response. In view of the same, I find that the query has been adequately addressed.

16. 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 10, 2023

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