

Gokulesh Kumar Tripathi	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

1. The appellant had filed an application dated July 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 July 29, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00173) dated August 11, 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. **Request in the application** - The appellant, vide his application dated July 6, 2004, sought the following information:

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7. Why misleading information about LTP was reflected on trading platform that trades were executed with 25% and 39% increase in base price on 17th and 18th August. Is it as per circular number NSE/FAOP/44482 Date : May 27, 2020

8. In Which GRC order comment was on non execution, wrong execution, execution at other price, price manipulation in option based on Black scholes model was commented and why did nse lucknow hide realised losses before GRC. realised losses were submitted to NSE lucknow by complainant.

9. More than 95% retail investors are cheated every day by NSE in option trade which is biggest scam in the history of share market. Is it generic allegation ?

10. In irregularities in kotak securities money control screenshot were used then why not against nse?

11. On the email reply of 15th July 2121 by nse all the complainants registered on scores were closed. NSE asked for legal advice in complaint registered including 14th July onwards ? How complainants registered were handled and what investigated by dealing officers of sebi. please details.

3. **Reply of the Respondent** - The respondent, in response to the application, informed that the 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, 2005.
4. **Ground of appeal** - On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the aforesaid requests and the response provided thereto. I concur with the response of the respondent that the requests in the application are in the nature of seeking clarification/opinion/explanation from the respondent. I find that the said request 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. 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 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. 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: September 3, 2024

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