

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

Appeal No. 6322 of 2025

Ashish Baikar : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated February 11, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 24, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00037) dated February 25, 2025. 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. **Queries in the application** - The appellant, in his application dated February 11, 2025, sought the following information regarding the notice of attachment of bank account issued by SEBI in the matter of Network Marketing Limited:

“1) any update from company ?

2) we have not received any refund from company?

3) what is current status of above notice from SEBI?

4) As per address company is located in (Dombivali and Mahim) but now there is no office, To whom we can communicate for our queries, nobody is responding , committee member phone is switched off, Right now no one is present how will communicate ?

5) Near By police station not filled any complete /NC against company”

3. **Reply of the Respondent** - The respondent, in response to query nos.1, 4 and 5 in the application, informed that the information sought by the appellant is in the nature of seeking clarification/opinion. Hence, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act. The respondent, in response to query nos. 2 and 3, informed that recovery proceedings u/s 28A of SEBI Act have been initiated against Networth Marketing Limited and its directors for failure to refund money. SEBI has attached various bank, demat accounts and mutual fund folios and assets of Networth Marketing Limited and its directors. Also, steps have been taken for disposal of assets of Networth Marketing Limited. The respondent also informed that the refund of money to the investors shall be initiated only after substantial recovery of money from the attached properties of Networth Marketing Limited and the same shall be notified.
4. **Ground of appeal** – The appellant has filed the appeal on the ground that the information provided is incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. With respect to query nos. 1 and 4, I concur with the response of the respondent that the said queries are in the nature of seeking clarification/opinion. I find that the said queries cannot be construed as seeking ‘information’ as defined under section 2(f) of the RTI Act. It is understood that the respondent is not supposed to create information; or to interpret information; or to furnish clarification to the appellant under the ambit 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 (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/ 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.” I also note that no information was sought by the appellant vide query no. 5 in the application. Accordingly, I do not find any deficiency in the response of the respondent.

6. Further, with respect to query nos. 2 and 3, I find that the respondent has adequately addressed the queries by providing the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
7. Further, I note that the appellant in his appeal has sought further information pertaining to his application. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at the appeal stage. Accordingly, I find that the said submissions do not warrant consideration at this stage.
8. 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: March 25, 2025

RUCHI CHOJER

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