

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

Appeal No. 5815 of 2023

A P Giridhara	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 11, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated September 25, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00209) dated September 29, 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. **Queries in the application** - The appellant, vide his application dated September 11, 2023, in reference to SEBI order dated June 3, 2022 in the matter of Guru Teak Investments (Mysore) Pvt. Ltd., sought following information:
 - “a). *Whether or not, SEBI has the authority in the matter of the above order to move further to make the ' notices' to return the Investors money along with applicable Interest and/ or compensations. if No, which Department (like Enforcement Directorate - ED) / CBI/ other Government authorities need to be functioned for bringing a logical end to this issue. Kindly provide details.*
 - b). *If yes, what is the necessary steps/ status that SEBI is planning/ executing either as on date directly or through the suitable authority/ ies (Govt. / Private), in order to*
 - i) *Identify the where about OR address of the Directors and/ OR concerned parties ...and/ or their legal heirs as per law.*
 - ii). *What are the enforcing action plan for recovery of the assets (movable/ immovable), wherein they purchased company assets as the personal assets.*
 - iii) *Possible Legal Proceedings (criminal) for their intentional behaviours of cheating to Investors, to be charged against the all the concerned of the company ...”*

3. **Reply of the Respondent** - The respondent, in response to the application, informed that the queries in the application 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-** The appellant has filed the appeal on the ground that access to the requested information was refused. On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant reiterated his queries and requested to provide the information sought by him.
5. I have perused the queries raised in the application and the response provided thereto. On consideration, I find that the queries are more 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 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: October 19, 2023

ANAND BAIWAR

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