

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

Appeal No. 6298 of 2025

Gagan Gupta : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated December 15, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 09, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00015) dated January 15, 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 December 15, 2024, sought the following information:

“ 1. Please provide information if the investigations initiated by the SEBI against the Groupon have been completed in all aspects or still this is being conducted?

2. Please provide information what good the SEBI has done to the existing investors or in what way it has protected the rights of existing investors in this company by passing these orders. Please be mindful that our promised quarterly incomes have stopped, and our principal investments have all been blocked with no clarity how and when we will get that back.

3. Please provide information if the SEBI consulted / spoken to any of existing investors in the Groupon other than that their own official who invested Rs 5000/- ?

4. Please provide information if the SEBI was aware of the fact at the time of passing these orders that existing investors would be in loss and would suffer?

5. Please provide information who the SEBI holds responsible for the investor's loss in this matter of the Groupon – investors themselves, the Groupon or the SEBI itself?

6. Please provide information if the SEBI considers existing investors in the Groupon were at their fault for investing in such a company which the SEBI may catch later for not running a business in a right way?

7. Please provide information if by passing these orders on Groupon, the SEBI is of the opinion that agreements between Groupon and investors aka partners in LLP are all invalid? These both SEBI's orders do not speak for existing investors and their investments. I am aware that although the CPIO may consider that this part of the information being asked does not exist hence cannot be answered under the provisions of RTI Act, or that, opinions does not constitute as information, hence cannot be answered under the provisions of RTI Act. However, having my faith in the fine sense of authorities, I want an informative answer to this question.

8. Please provide information what rights, existing investors are left with to ask for the promised returns and/or the reversal of money invested”

3. **Reply of the Respondent** - The respondent, in response to query nos. 1-8 in the application, informed that the information sought by the appellant is 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. Further, with respect to query no.1, the respondent additionally informed that SEBI conducts examinations and investigations confidentially in a holistic manner and that SEBI neither confirm or deny the existence of any investigation. SEBI conducts investigation to examine alleged or suspected violations of laws and Regulations related to securities market. Post investigation, whenever violations are established, appropriate enforcement actions are taken under the provisions of the SEBI Act, 1992 and Regulations framed thereunder which culminate in the issuance of Orders. These orders are available in public domain and can be assessed from the SEBI website.
4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to information requested.
5. I have perused the application and the response provided thereto. On consideration, I concur with the response of the respondent that the appellant's queries are in the nature of seeking

clarifications/opinion/confirmation. Further, I also find that the said queries appear to be interrogative in nature. The CPIO is not supposed to provide clarification/explanation/confirmations; or to interpret information; or to provide response to interrogative queries under the ambit of the RTI Act. In this context, I note that the Hon'ble Central Information Commission (CIC), in the matter of *Laxman Prasad Kayal vs. CPIO, State Bank of India* (Order dated June 20, 2023) held that “9. The Commission based on a perusal of the facts on record finds that the dissatisfaction of the Appellant with the reply provided by the CPIO is bereft of merit as the RTI Application merely seeks for clarifications and answers to interrogative queries” 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. Further, with respect to query no.1, I note that the respondent has neither confirmed nor denied existence of examination or investigation, *inter alia*, stating that “SEBI conducts investigation to examine alleged or suspected violations of laws and Regulations related to securities market. Post investigation, whenever violations are established, appropriate enforcement actions are taken under the provisions of the SEBI Act, 1992 and Regulations framed thereunder which culminate in the issuance of Orders. These orders are available in public domain and can be assessed from the SEBI website.” In this context, I note that the rationale for neither confirming nor denying existence of any examination/investigation was relied upon by SEBI before the Hon'ble CIC in *Arun Damodar Savant vs. CPIO, SEBI* (order dated September 26, 2018 in Appeal No. CIC/SEBIH/A/2017/ 137139/BJ) and *Anju Sharma vs. CPIO, SEBI* (order dated September 28, 2020 in Appeal No. CIC/SEBIE/A/2019/101914). The Hon'ble CIC, in the said matters, accepted the submissions and refused to intervene in the response of the CPIO. The Hon'ble CIC in the matter of *Anju Sharma vs. CPIO, SEBI* has acknowledged that “disclosure of existence or non-existence of any investigation/examination of a particular matter would impede the process of investigation/prosecution as well as it has commercial bearing on the competitive position of third party(s) in the highly competitive capital market(s).” I find that the legal issues involved in the present case are squarely covered in the CIC orders mentioned above.

7. 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 13, 2025

RUCHI CHOJER

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