

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

Appeal No. 5005 of 2022

Anirban Chatterjee	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 30, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 19, 2022 responded to the application filed by the appellant. The appellant filed an appeal dated April 21, 2022. 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 April 18, 2022, stated that he needs to know about the concept or existence of Stock Exchange imposed Margin penalty on intraday or any particular time frame of a day is applicable by SEBI. The appellant, *inter alia*, queried regarding the basis on which broker is deducting fund from client’s ledger by the name of exchange imposed penalty.
3. The respondent, in response to the application, informed that the queries are vague and not specific and in the nature of seeking clarification/suggestions. Accordingly, the same cannot be construed as seeking “information” as defined under Section 2(f) of the RTI Act.
4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, *inter alia*, stated that he has pledged his portfolio to a broker. Further, as per broker, he is not able to use the margin fully and only 50% is allowed. The appellant also mentioned that the broker is asking for cash with respect to the rest of the 50%. The appellant also stated that he has not found a rule which allows the broker to do so. Further, the appellant requested SEBI to clarify the same.
5. I have perused the queries and the response provided thereto. On consideration, I find that that queries are in the nature of seeking clarification/ opinion from the respondent. The queries also appear to be

situational queries. I note 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, I note that the Hon'ble CIC, in the matter of *Mr. Mahendra Kumar Mehta vs. CPIO, SEBI* (Judgment dated April 12, 2021), held that: “9. *This Commission observes that the appellant herein attempts to seek legal opinion/ clarification from the CPIO to his situational queries with regard to 'the circular, rules, regulations, notification etc. regarding trading member for taking stock in pledge, collateral, or security for providing margin to do trade in reference to derivatives segment, charging of interest and GST, precaution to be taken by trading member for protection of constituents individual/HUF etc.'*. Therefore, the CPIO is not supposed to interpret information; or to furnish replies to situational queries; or to furnish clarifications. Hence, such queries seeking legal opinion/ clarification from the CPIO are not covered within the definition of 'information' u/Section 2(f) of the RTI Act, 2005. Accordingly, this Commission upholds the contention put forth by the CPIO.” In view of these observations, I find that the respondent did not have an obligation to provide such clarification/opinion with respect to situational queries, under the RTI Act.

6. Further, on perusal of the application and the appeal, it appears that the appellant has grievance regarding intraday margin penalty. I note that the Hon'ble CIC, in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012), held: “The Appellant is informed that ... redressal of grievance does not fall within the ambit of the RTI Act rather it is up to the Appellant to approach the correct grievance redressal forum...”. In view of these observations, I find that if the appellant has any grievance, the remedy for the same would not lie under the provisions of the RTI Act.
7. In view of the above observations, I find that no further interference is warranted at this stage. The Appeal is accordingly dismissed.

Place: Mumbai
Date: May 18, 2022

S V MURALI DHAR RAO
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA