

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

Appeal No. 5174 of 2022

Dayashankar Gupta	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 16, 2022 (received by SEBI on May 23, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 15, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 05, 2022 (received by the Office of Appellate Authority on July 12, 2022). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent with respect to query number 1. In view of the submission made by the appellant in his appeal, I am only dealing with the said query and the response provided by the respondent, in this order.
3. **Query number 1-** The appellant, vide query number 1 of his application dated May 16, 2022, sought the following information-

प्रश्न 1- कृपया मुझे जानकारी दें कि दिनांक 23 मार्च 2016 को आपके इंदौर स्थित सेबी कार्यालय पर मनीष कुमार चंद पुत्र लक्ष्मीचंद मार्फत भरत सिंह एडवोकेट माननीय सर्वोच्च न्यायालय ने जो विश्वामित्र इंटरनेशनल इंफ्रा लिमिटेड व विश्वामित्र इंडिया टूर एंड होटल्स लिमिटेड के संदर्भ में प्रमाण स्वरूप कागजों की छाया प्रति दाखिल किया गया, उसमें उत्तर प्रदेश राज्य के जनपद लखनऊ ग्राम परा भूखंड खसरा संख्या 1358 का मिनजुमला क्षेत्रफल 1354.558 वर्ग मीटर का जो कि विश्वामित्र इंटरनेशनल इंफ्रा लिमिटेड(VIIL) का संपत्ति था व उत्तर प्रदेश राज्य में जनपद गोरखपुर कुसमी में स्थित विश्वामित्र पब्लिक स्कूल एवं आदेश नायब तहसील सदर बाद सं.227/30-01-2012 के अनुसार गाट 638/8.047 हेक्टेयर में क्रेता विश्वामित्र सोशल एंड एजुकेशनल ट्रस्ट रजिस्टर्ड ऑफिस 20 एन.एस.बी रोड शिशुबागान मोढ़ जिला वर्दमान-713347 पश्चिम बंगाल प्रबंधक/अध्यक्ष मनोज कुमार चंद पुत्र लक्ष्मी नारायण चंद स्थानीय पता-मनोज सोशल एंड एजुकेशनल ट्रस्ट हरवंश राम कंपलेक्स द्वितीय तल विजय चौराहा गोरखपुर का संपत्ति दर्शाया गया है, यदि हां तो सम्बंधित दस्तावेज की छायाप्रति उपलब्ध कराएं।

4. The respondent, in response to the aforesaid query, informed that the SEBI has initiated recovery proceedings against Vishwamitra International Infra Limited and Vishwamitra Tours and Hotels Limited and its directors, vide recovery certificate no. 1365 of 2018 dated February 02, 2018. Further, the respondent informed regarding the prohibitory order dated April 12, 2018 issued in the extant matter. The respondent also stated that the said order consists of all the details of immovable properties attached by SEBI in execution of Recovery Certificate and that the said order can be referred to on the SEBI website. The appellant, in his appeal, *inter alia*, submitted that the information sought in query number 1 regarding photo copies of papers submitted by Mr. Manish Chandra as evidence, has not been provided by the respondent. The appellant also submitted that the requested information is well within the limits of the RTI Act.
5. I have perused the query raised in the application and the response provided by the respondent. On consideration, I find that the above mentioned query is more in the nature of seeking clarification from the respondent regarding certain properties situated in West Bengal and Uttar Pradesh. I note that the respondent is not supposed to create information; or to interpret information; or to deduce anything from the material and compile the 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 find that the said query cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. Accordingly, the respondent did not have any obligation to provide clarification with respect to such query.
6. Notwithstanding the above, I note that the respondent has informed the appellant regarding the initiation of recovery proceedings and issuance of the prohibitory order in the said matter. The

respondent also categorically informed that the said prohibitory order consists of all the details of immovable properties attached by SEBI. In my opinion, the appellant has adequately addressed the query and no further intervention is warranted at this stage.

7. In view of the above observations, I find that no further intervention of this forum is warranted. The appeal is accordingly dismissed.

Place: Mumbai

Date: August 03, 2022

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