

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

Appeal No. 5009 of 2022

Geeta Khattar : 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 21, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00320) dated April 25, 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. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in her appeal, reiterated the queries raised in her application. Accordingly, I am dealing with the queries raised in the application and the response provided thereto, in the following paragraphs.
3. **Query numbers 1A and 1B-** The appellant, vide query number 1A, sought the details of the type of information that can be obtained under Section 2(f) of the RTI Act. Vide query number 1B, the appellant sought “*SEBI’s website/weblink details where RTI Act 2005 guidelines and Circulars are available on SEBI’s website.*”
4. The respondent, in response to query number 1A, advised the appellant to refer to the RTI Act, 2005. In response to query number 1B, the respondent provided the link for accessing the requested information available on the SEBI website.
5. I have perused the aforesaid queries and the response provided thereto. On consideration, I find that requested information can be found out by the appellant by accessing the information available in the public domain. Notwithstanding the same, I find that the respondent has adequately guided the appellant to access the requested information. Accordingly, no further intervention is warranted at this stage.
6. **Query numbers 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12-** the appellant, vide said queries, sought the following information:

2. Please refer to CPGRAMS case no. DORVU/E/2021/03951 and provide SEBI's WEBSITE DETAILS WHERE THESE 3 LETTERS ARE ELECTRONICALLY SAVED ON SEBI's WEBSITE.
3. Refer to Information to Public on Complaints on SEBI's website and provide SEBI's rules, regulations, circulars, and guidelines NUMBERS under which SEBI's letter dated March 09, 2017, SEBI email December 19, 2017, and SEBI letter dated November 15, 2018, has been issued by SEBI.
4. Provide an official report on the entire/ case no. DORVU/E/2021/03951,
5. ALSO PROVIDE a category under which SEBI's these 3 letters fall (The letter dated March 09, 2017, SEBI email December 19, 2017, and SEBI letter dated November 15, 2018).
6. Provide a PDF copy of Action history with details of registration of CPGRAMS case no. DORVU/E/2021/03951 in the FORMAT i.e. provided under RTI no. DOEAF/R/E/21/00329.
7. Please go through CPGRAMS case no. DORVU/E/2021/03951, also go through SEBI's letter dated March 09, 2017, SEBI email December 19, 2017, SEBI letter dated November 15, 2018, and provide page no. plus point no. where point no. 1 information of DORVU/E/2021/03951 is available under SEBI's 3 letters.
8. Please refer to point no. 2 of CPGRAMS case no. DORVU/E/2021/03951 and provide page no. plus point no. where an Order of Rs. twenty five (25) crores have been issued by SEBI under SEBI's letter dated March 09, 2017, SEBI email December 19, 2017, and SEBI letter dated November 15, 2018.
9. Please refer to point no. 3 of CPGRAMS case no. DORVU/E/2021/03951 and provide page no. plus point no. in SEBI's letter dated March 09, 2017, SEBI email December 19, 2017, and SEBI letter dated November 15, 2018, where it has been declared that Kotak Securities is involved in Fraudulent and Unfair Trade Practices.
10. Refer to point no. 4 of DORVU/E/2021/03951 and provide page no. plus point no. in SEBI's letter dated March 09, 2017, SEBI email Dec. 19, 2017, and SEBI letter dated Nov. 15, 2018, where an Order is issued and Kotak Securities along with their officials were punished for FORGERY which was made (by Kotak) under the issuance of a different Contract Note.
11. Go through SEBI's letter dated March 09, 2017, SEBI email Dec. 19, 2017, and SEBI letter dated Nov. 15, 2018, and provide page no. plus point no. where point no. 5 information of DORVU/E/20 is available SEBI's 3 letters.
12. Provide mandatory details that should be reflected / available / mentioned on a copy of an order.

7. The respondent, in response to the aforesaid queries, informed that the queries are in the nature of seeking clarification/giving direction and accordingly, the same cannot be construed as seeking "information", as defined under Section 2(f) of the RTI Act. However, the respondent informed that all the complaints lodged on SCORES have an audit trail. The respondent also stated that the action history, category, remarks,

supporting documents, if any, and all the details pertaining to SCORES complaint may be accessed by logging in the SCORES portal, where the same are available in the standard format.

8. I have perused the queries and the response provided thereto. On consideration, I agree with the observation of the respondent that the queries are more in the nature of seeking clarification 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 find that the said queries cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Accordingly, I do not find any deficiency in the response.
9. Notwithstanding the above, I note that the respondent has guided the appellant to access the audit trail, action history, category, remarks, supporting documents, if any, and all the details pertaining to SCORES complaint. In view of the same, I find that no further intervention is warranted.
10. 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: May 24, 2022

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