

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

Appeal No. 5702 of 2023

Vinod Kumar Garg : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/P/23/00151) dated April 05, 2023 (received by SEBI on April 10, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 04, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated May 26, 2023 (received by the Office of Appellate Authority on June 05, 2023). 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. In view of the submissions made by the appellant in his appeal, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query number 1-** The appellant, vide query number 1, sought the following information regarding Order No. WTM/RKA/ISD/54/2015 in the matter of Eco-Friendly Food Processing Park Limited, Esteem Bio Organic Food Processing Limited and two other scrips:
 1. *Who is the dealing officer in this matter at present and/ or before whom my case is pending? Please let me know the name of the dealing officer/ Department name so that I can communicate with him.*
4. The respondent, in response to the aforesaid query, informed that the requested information is exempt from disclosure under sections 8(1)(g) & 8(1)(j) of the RTI Act as the same pertains to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the individuals. The respondent also informed that disclosure of the information may also endanger the life or physical safety of the persons. The appellant, in his appeal, *inter alia*, stated that there is mis application of mind on the part of the CPIO

and that the CPIO has failed to bring on record the facts on the basis of which he has shown his apprehensions.

5. I have perused the query and the response provided thereto. On consideration, I find that the non-disclosure of information relating to SEBI officials is justified as the same relates to personal information, the disclosure of which has no relationships to any public activity or interest and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety to the person. I note that a similar issue was settled in the matter of *H. E. Rajashekarappa vs. State Public Information Officer and Ors.* (Order dated July 01, 2008), wherein the Hon'ble High Court of Karnataka had ruled that: *"... it cannot be said that section 2(f) of the Act (the RTI Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority)".* Further, I note that the Hon'ble CIC, in the matter of *Prerit Misra vs. CPIO, SEBI* (order dated November 21, 2022) held that—*"It is pertinent to mention here that the appellant in a similar case which was dealt in File no. CIC/SEBIE/A/2019/660770 dated 10.08.2021 whereby he had sought information regarding the names of the officers who had blocked his email address, the Commission, while passing an order had held that such information is exempted u/s 8(1)(g) & 8(1)(j) of the RTI Act. The Commission after considering the submissions of the appellant finds no merit in his case, and also is in agreement with the order of the FAA and concludes that the information is exempt u/s 8(1)(g) & 8(1)(j) of the RTI Act, hence, no relief can be given."* In view of these observations, I find that the requested information is exempt from disclosure under sections 8(1)(g) and 8(1)(j) of the RTI Act. Accordingly, I do not find any deficiency in the response.

6. **Query numbers 2 and 3-** The appellant, vide query numbers 2 and 3, sought the following information:

2. It came in to my notice that SEBI has passed final order in case of most of entities against whom earlier SEBI has passed Ex-partner Order. Please let me know the reason behind not passing final order qua me in aforesaid matter.

3. I and my authorised representative have made several communications in last two months with SEBI. However, no response has been received from SEBI. Please let me know the reason behind not responding.

7. The respondent, in response to the aforesaid queries, informed that the queries are in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking

“information”, as defined under section 2(f) of the RTI Act. The respondent also informed that pursuant to investigation, if any regulatory action is taken by SEBI, the same would be available in public domain, on SEBI website, under the head Enforcement. The respondent also advised the appellant to refer to the same. Further, the respondent informed regarding the Adjudication orders passed by SEBI against the appellant. The appellant, in his appeal, *inter alia*, submitted that SEBI is neither responding to his emails and communications, nor passing Final order qua him.

8. I have perused the aforesaid queries and the response provided thereto. It is observed that the queries are more in the nature of seeking reason from the respondent for taking/ not taking certain action. I note that the respondent is not supposed to provide clarification/ opinion/ reason; 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 the Hon’ble CIC observed 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/advice 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. 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: June 30, 2023

ANAND BAIWAR

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