

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

Appeal No. 5607 of 2023

Jinu Idiculla Jose	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 21, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 15, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00045) dated February 27, 2023, against the said response dated February 15, 2023. 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. On perusal of the appeal, it appears that the appellant is not satisfied with the response provided with respect to query numbers 2, 3 and 4. In view of the submissions made by the appellant in his appeal, I am only dealing with the said queries and the response provided thereto, in this order.
3. **Query numbers 2 and 3-** The appellant, vide query numbers 2 and 3, sought the following information pertaining to the SEBI Order No. WTM/SM/WRM-ILO/13487/2021-22 dated September 23, 2021 passed against Mr. Abhishek Suryawanshi and Proficient Global Research:

“2. As per the order, Banks were directed to allow only debit from Abhishek Suryawanshi (Proficient Research) account for the purposes of refund back to investors. Can SEBI confirm that this order is still in place? Has this been followed by ICICI Bank and other banks which have been frozen?”

3. Can SEBI confirm the account Balance of this account?”

4. 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, 2005. The appellant, in his appeal, *inter alia*, queried whether the assets and bank accounts of Mr. Abhishek Suryawanshi have been frozen in line with the SEBI order. The appellant also submitted that he is not seeking opinion or clarification.
5. I have perused the queries and the response provided thereto. On consideration, I find that the queries pertaining to the order dated September 23, 2021 passed by SEBI, are in the nature of seeking clarification/ opinion/confirmation from the respondent. I note that the respondent is not supposed to provide clarification or confirmation; 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 the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) wherein 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/ 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 agree with the response provided by the respondent. In my opinion, no further intervention is warranted at this stage.

6. **Query number 4-** The appellant, vide query number 4, sought the following information-

“4. Can SEBI confirm that the list of investors who have been refunded by Abhishek Suryawanshi?”

7. The respondent, in response to the aforesaid query, informed that Proficient Global Research (Proprietor Mr. Abhishek Suryawanshi) has not filed report to SEBI regarding completion of repayments.
8. I have perused the query and the response provided thereto. I note that the respondent has categorically stated that the report regarding completion of repayments to investors have not been filed by Proficient

Global Research. On consideration, I find that the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.

9. Further, I note that the appellant, in his appeal, has made certain statements and allegations against Mr. Abhishek Suryawanshi. I find that these statements/allegations were made for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said statements/allegations do not warrant consideration at this stage.
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: March 23, 2023

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