

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

Appeal No. 6068 of 2024

Alok S. Chandewar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/P/24/00127) dated May 29, 2024 (received by SEBI on May 31, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 13, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated June 19, 2024 (received by the Office of Appellate Authority on June 24, 2024). 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.
3. **Request no. 1 of the application** - The appellant vide his request no. 1 of application dated May 29, 2024, *inter alia*, sought certified signed true copy of Board Resolution dated February 21, 2024 of Vidli Restaurants Ltd.
4. **Reply of the Respondent** - The respondent, in response to the aforesaid request, informed that the information sought is not required to be submitted/disclosed to SEBI in accordance with the provisions of SEBI (Listing Obligation and disclosure Requirements) Regulations, 2015. Hence the same is not available with SEBI.
5. I have perused the request and the response provided thereto. I note that similar request was sought by the appellant in his earlier RTI application (Reg. No. SEBIH/R/P/24/00105) dated June 07, 2024, for which the respondent had already provided the reply vide his letter dated June 18, 2024. Further, FAA order dated July 11, 2024 was also passed with respect to the said earlier RTI application in Appeal no. 6060 of 2024. In the context of filing repetitive requests under RTI Act, the

Hon'ble Central Information Commission in the matter of *Sbri Ramesh Chand Jain vs. Delhi Transport Corporation, GNCTD, Delhi* (File No. CIC/AD/A/2013/001326-SA decided on June 25, 2014) held that *"The universal principles of civil justice also recognized 'constructive res judicata', which in the RTI context means when an applicant uses an opportunity of obtaining information on a particular subject as per law, he is expected to seek all the related information in that first ever opportunity itself. He cannot file another application for a bit or piece which he forgot to ask, or not advised by his lawyer, or for any other reason. He should ask all possible aspects of information about that subject matter, in the first ever available opportunity. Even if he does not, it is presumed by law that he asked for that and was refused after due trial..... Thus, once information is given, applicant shall not seek the same once again in the guise of different form or language. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI applications will amount to clogging the office of public authority and CPIO would be justified in refusing the same with intimation of reasons. Because the repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office"*. In view of the above, I find that no further intervention of this forum is warranted at this stage.

6. **Request no. 2 of the application** - The appellant, vide his request no. 2 of the application has provided the name and other details of the company, Vidli Restaurants Limited.
7. **Reply of the Respondent** - The respondent, in response to the aforesaid request informed that the information sought is vague and not clear. Accordingly, the same cannot be construed as "Information" as defined u/s 2(f) of the RTI Act, 2005
8. I have perused the aforesaid requests and the response provided thereto. I note that the appellant, vide request no. 2, has merely provided the name and other details pertaining to the company, Vidli Restaurants Limited and has not sought any information. Hence, I concur with the response of the respondent that the said request is vague and not clear. Accordingly, the same cannot be construed as "Information" as defined u/s 2(f) of the RTI Act, 2005.
9. **Request no. 3 of the application** - The appellant, vide his request no. 3 of the application dated May 29, 2024, *inter alia*, sought information as to whether failing to upload the certified copy of the Board Resolution referred in his application with BSE, would constitute to violation of SEBI (Listing Obligation and disclosure Requirements) Regulations, 2015.

10. **Reply of the Respondent** - The respondent, in response to the request, informed that the information sought is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2 of the RTI Act, 2005.
11. I have perused the aforesaid request and the response provided thereto. I find that the information sought is in the nature of seeking clarification/opinion from the respondent. It is understood 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. I find that the said request cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under 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, Hon'ble Central Information Commission 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*" Accordingly, I do not find any deficiency in the response.
12. 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: July 22, 2024

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