

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

Appeal No. 6221 of 2024

Ashish Yadav	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 17, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated November 07, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00269) dated November 07, 2024. 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. **Queries in the application** - The appellant, vide his application dated October 17, 2024, sought the following information:

"I have applied for an IPO amounting Rs 130400/- in company named VISION INFRA EQUIPMENT SOLU LTD SMEIPO RINB6924 dated 10th September 2024. No shares have not been allotted to me. However even after lapse of more than 40 days amount not unblocked due to no instructions issued to bank for the same. Hence kindly provide following point wise information under RTI act 2005-

1) By when instructions will be issued to my bank to unblock the above amount

2) What is the provision to pay interest on the blocked amount beyond the blocking period

Bid cum application number is 002E182440000656 PAN NO is AEGPY1808N"

3. **Reply of the Respondent** - The respondent, in response to query nos. 1 and 2 in the application, informed that queries of the appellant are in the nature of seeking clarification/grievance. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

However, the respondent also informed that the SEBI Circulars on "Streamlining the process of IPO's with UPI in ASBA and redressal of investor grievances" bearing Nos. SEBI/HO/CFD/DIL2/CIR/P/2021/2480/1/M dated March 16, 2021 and SEBI/HO/CFD/DIL2/P/CIR/2021/570 dated June 2, 2021, deals with the information sought by the appellant. The respondent also provided the links for accessing the aforementioned said SEBI Circulars, which are available on SEBI website.

Additionally, the respondent provided information regarding lodging of grievance, if any, on the SCORES portal of SEBI and tracking the status of the same. The respondent also provided the details of the toll free helpline service numbers launched by SEBI to facilitate replies to various queries of the general public on matters relating to securities market.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. On consideration, I note that the queries of the appellant are in the nature of seeking clarification from the respondent. I find that the said queries cannot be construed as seeking 'information' as defined under section 2(f) 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, Hon'ble Central Information Commission (**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*"
6. Additionally, I also note that the queries of the appellant are in the nature of grievance. In this regard, I note that the Hon'ble CIC, in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012), held: "The Appellant is informed that ... redressal of grievance does not fall within the ambit of the RTI Act rather it is up to the Appellant to approach the correct grievance redressal forum...". I note that a similar view was taken by the Hon'ble CIC in the matter of *Yogesh Malhotra vs. PIO, Delhi Police*

(order dated May 28, 2021). In view of the same, I find that the queries cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act.

7. Notwithstanding the above, I note that the respondent has guided the appellant regarding lodging of grievance, if any, on the SCORES portal of SEBI. The respondent has also provided information about the relevant SEBI Circulars and link for accessing the same on SEBI website. Accordingly, I do not find any deficiency in the response of the respondent.

Place: Mumbai

Date: December 02, 2024

RUCHI CHOJER

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