

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

Appeal No. 5752 of 2023

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

ORDER

1. The appellant had filed an application dated June 15, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 13, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00158) dated July 13, 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-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided with respect to query numbers 1 and 2. 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 number 1-** The appellant, vide query number 1, sought the following information with reference to SEBI Order WTM/SM/WRM-ILO/13487/2021-22 dated 23 Sep 2021 issued against Shri Abhishek Suryawanshi:

“1. As a response to RTI SEBIH/R/E/23/00083 filed on 21-Jan-2023 and responded on 16-Feb-2023, SEBI had clarified as a response to Query 1 that further proceedings are underway against the proprietor Abhishek Suryawanshi. I would like to follow-up and understand what proceedings or enforcement actions are underway due to noncompliance to SEBI orders? It has been 4 months since the RTI clarifications were provided.”
4. The respondent, in response to the aforesaid query, informed that Post enforcement proceedings are underway for non-compliance with the directions of refund as contained in the final order dated September 23, 2021. The appellant, in his appeal, requested to provide more details with respect to the

query. Further, the appellant, *inter alia*, requested to provide more information regarding the actions and post enforcement proceedings i.e. whether legal notice has been issued and whether recovery note has been sent. The appellant also requested to furnish some evidence.

5. I have perused the query and the response provided thereto. I note that that the respondent has clearly mentioned that post enforcement proceedings are underway in the matter of non-compliance with the SEBI Order. In my view, the query has been adequately addressed and no further intervention is warranted at this stage.
6. I note that the appellant in his appeal, sought information regarding issuance of legal notice / recovery note in the matter. I also note that the said requests have been 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 requests do not warrant consideration at this stage.

7. **Query number 2-** The appellant, vide query number 2, sought the following information:

“2. Can you also clarify if Mr Abbishek Suryawanshi has filed any appeal against the SEBI order WTM/SM/WRM-ILO/13487/2021-22 dated 23 Sep 2021?”

8. The respondent, in response to the aforesaid query, informed that the query is 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 appellant, in his appeal, *inter alia*, submitted that he had asked a straight question.
9. I have perused the query and the response provided thereto. I note that the appellant has sought information regarding appeal filed against the order dated September 23, 2021. In my view, the said query has not been adequately addressed.
10. Considering the above observations, I remit the matter to the respondent for providing information to the appellant with respect to query number 2 of the application dated June 15, 2023 in terms of RTI Act, within 15 working days from the date of receipt of this order.

11. The Appeal is accordingly disposed of.

Place: Mumbai

Date: August 11, 2023

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