

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

Appeal No. 5133 of 2022

A J Thomas	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 23, 2022 (transferred by Department of Investment and Public Asset management through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 16, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated June 16, 2022. 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 May 23, 2022, *inter alia*, sought information whether the statement of additional information of UTI Mutual Fund (March 2021) submitted to SEBI was considered while disposing his grievance regarding compulsory redemption. The appellant also sought information regarding action taken by concerned public authority in resolving his grievance regarding compulsory redemption.
3. The respondent, in response to the application, 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. Further, the respondent informed that all actions taken with respect to the appellant’s complaint are visible to the appellant on SCORES on real time bases. The appellant was also advised to check the status of the complaint including Action Taken Report on the SCORES website.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, submitted that the requested information was not provided as per the RTI Act.
5. I have perused the queries and the response provided thereto. With respect to the query regarding “*whether the statement of additional information of UTI Mutual Fund (March 2021) submitted to SEBI was considered while disposing his grievance regarding compulsory redemption*”, I find that the query of the appellant is in the nature of

seeking clarification/opinion from the respondent. I note 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. In this context, I note that the Hon'ble CIC, in the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) 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 find that the said query 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. Accordingly, I do not find any deficiency in the response.

6. With respect to the query regarding action taken by the concerned public authority for redressal of his grievance, I note that the respondent has informed regarding availability of the relevant information on the SCORES website. I note that all the complaints which are lodged in the SCORES system, the related correspondence, Action History etc., can be accessed online on SCORES portal under the tab “View Complaint Status” by providing the complaint registration number and password, which is allotted at the time of registering the complaint. On consideration, I find that the respondent has adequately addressed the query by guiding the appellant to access the requested information. Accordingly, I do not find any deficiency in the response.
7. 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 14, 2022

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