

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

Appeal No. 5495 of 2022

Jaydeb Dhara	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated Nil (received by SEBI on September 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 23, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated November 05, 2022 (received by the Office of Appellate Authority on November 15, 2022). 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. In view of the submissions made by the appellant in his appeal, I am dealing with the queries and the response provided by the respondent, in the following paragraphs.
3. **Query number 1-** The appellant, in his application, *inter alia*, referred to the order dated October 06, 2016 passed by SEBI in the matter of Gitanjali Udyog Ltd. and sought the information regarding:
 1. *The present status of refund to investors.*
4. The respondent, in response to the query number 1, informed regarding the order no. WTM/RKA/EFD/142/2016 dated October 06, 2016 passed by SEBI in the matter of Gitanjali Udyog Limited (GUL). The respondent also informed that the recovery proceedings have been initiated in the said matter and that the same is underway. Further, the process of refund to investors will be initiated after a substantial amount of money is recovered from GUL and that the same will be notified on SEBI website.
5. I have perused the query and the response provided thereto. I note that the respondent has guided the appellant to access the order dated October 06, 2016 passed by SEBI, which is available in the public domain. Further, I find that the respondent has addressed the query by providing the information

available with him regarding the recovery proceedings. In view of the same, I do not find any deficiency in the response.

6. **Query number 2-** The appellant, vide query number 2, sought the following information with respect to refund in the matter of GUL-

1. *Up to what extent you are successful in your assignment of refunding the depositors of Gitanjali Udyog Ltd.*

7. 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.
8. I have perused the query and the response provided thereto. On consideration, 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, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon’ble CIC. Further, in the matter of *Sbri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon’ble CIC held: “... *we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...*”. I find that the said query cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. Accordingly, I do not find any deficiency in the response.
9. 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: December 12, 2022

A SUNIL KUMAR
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA