

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

Appeal No. 6308 of 2025

Janardan Prasad : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated December 26, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 16, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00025) dated January 28, 2025. 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, in his application dated December 26, 2024, sought the following information:

“ My investment under Sahara India commercial triple plan matured in 2017-2018. I submitted all the required documents, including maturity receipts, to the Sahara India city branch, Gaya during that time. However, till date, i have not received the matured amount. In light of the supreme court order empowering SEBI to reimburse investors of Sahara India commercial triple plan, I request you to provide the following information:

- 1. Has SEBI received and processed my claim for the matured amount submitted at the Sahara India Gaya Branch? if yes, provide the current status of my claim and if not then provide the given information.*
- 2. What is the detailed procedure to apply for the claim under the Sahara India commercial triple plan scheme?*
- 3. What documents are required for the application?*

4. Is there any online or offline mode to apply? Please share the relevant link or office address for submitting my claim.”

3. **Reply of the Respondent** - The respondent, in response to queries in the application, informed that the information sought by the appellant is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act. Notwithstanding the aforesaid, the respondent has mentioned that
- a) SEBI vide orders, dated 31/10/2018 and 21/01/2020 has *inter-alia*, directed Sahara India Commercial Corporation Ltd. (SICCL) and its directors to, jointly and severally, refund the money collected by the company through the issuance of Optionally Fully Convertible Debentures to the investors. SEBI has also directed to recover money from SICCL and its directors in accordance with Section 28A of the SEBI Act, in case of failure of SICCL and its directors to comply with aforesaid directions.
 - b) As SICCL & its directors failed to make refunds and comply with directions issued vide above mentioned SEBI orders, recovery proceedings have been initiated against the company and its directors (the defaulters). Orders of attachment dated October 21, 2021 were issued for all bank and demat accounts/mutual fund folios of defaulters (all attachment orders are available on the SEBI website).
 - c) Hon'ble Supreme Court is seized of this matter (SICCL), which is currently tagged with C.P (C) No. 412 & 413 of 2012 [SEBI vs SIRECL and SHICL]. Accordingly, further actions taken by SEBI in the matter of SICCL will be subject to the decision/order of the Hon'ble Supreme Court
4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. On consideration, I concur with the response of the respondent that the appellant's queries are in the nature of seeking clarifications/opinion. I find that the said queries 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/ 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." Accordingly, I do not find any deficiency in the response. Notwithstanding the aforesaid, the respondent has informed the appellant regarding status of the proceedings in the matter of SICCL.

6. Further, the appellant, in his appeal, sought has additional information pertaining to his application. I note that these 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. 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: February 21, 2025

RUCHI CHOJER

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