

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

**Appeal No. 5478 of 2022**

|                    |    |            |
|--------------------|----|------------|
| Manan Bhimpuria    | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated October 03, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 11, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00633) dated November 01, 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 October 03, 2022, sought the following information:

*“1. Disputes arising out of private agreement between 2 individual investors are considered as complaints by SEBI, under SEBI ACT?*

*2. Complaints that are sub-judice relating to cases which are under consideration by court of law, quasi-judicial proceedings are handled by SEBI, under SEBI ACT?”*
3. The respondent, in response to the aforesaid queries, informed that the queries are 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.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in his appeal, inter alia, submitted that the respondent has denied the information by misinterpreting Section 2(f) of the RTI Act. The appellant has also requested to impose penalty on the respondent under Sections 20(1) and 20(2) of the RTI Act.

5. I have perused the queries and the response provided thereto. On consideration, I find that the same are in the nature of seeking clarification/opinion from the respondent. In my view, 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. Accordingly, I find that the queries cannot be construed as seeking “information” as defined under section 2 (f) of the RTI Act.
6. Further, I note that the appellant, in his appeal, requested to impose penalty against the respondent under Sections 20(1) and 20(2) of the RTI Act. In this regard, I note that as per Section 20(1) and 20(2) of the RTI Act, the Central Information Commission or the State Information Commission has the power to impose a penalty or recommend disciplinary action against the Central Public Information Officer or the State Public Information Officer, while deciding on a complaint or a second appeal. Hence, I find that this request is beyond the purview of the First Appellate Authority. Accordingly, the same does 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: November 30, 2022**

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