

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

Appeal No. 5746 of 2023

Daman Preet Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 26, 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 21, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00165) dated July 21, 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-** 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 PIO has refused to provide information citing vague reasons and giving arbitrary explanation. In view of the submissions made by the appellant, I am dealing with the requests and the response provided thereto, in the following paragraphs.
3. **Request numbers 1, 2, 3, 4, 5 and 6** –The appellant, vide requests number 1 to 6 of his application dated June 26, 2023, sought the following information:
 1. *For issuance of duplicate shares directly credited to the demat account as per Client master list, what are the documents required?*
 2. *Does the notification dated 25 January 2022 supersede the notification dated 21 November 2021 regarding the issue of duplicate shares?*
 3. *What is the maximum time within which the Registrar and share transfer agent of the company has to issue and credit the duplicate shares to the shareholders demat account?*
 4. *What action can be taken against the registrar and transfer agent in the matter of non compliance of the time line?*

5. *what is the compensation which can be sought by the shareholder for non issue / late issue of the shares or dereliction of duty against the Company?*
 6. *Are indemnity bonds and affidavits alongwith aadhar card and PAN card copy of the witnesses also required to be attached with indemnity bond for issue of duplicate shares?*
4. The respondent, in response to the aforesaid requests, informed that the requests 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, 2005. However, the respondent advised the appellant to refer to the SEBI Master Circular dated May 17, 2023 pertaining to Registers to an Issue and Shares Transfer Agents. The respondent also provided the link for accessing the said Circular which is available on the SEBI website.
5. I have perused the requests and the response provided thereto. On consideration, I find that the requests are in the nature of seeking clarification/guidance/opinion/confirmation from the respondent. In my opinion, the CPIO is not supposed to provide clarification/guidance/opinion; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) wherein the Hon’ble CIC 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 requests cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. Notwithstanding the same, I note that the respondent has guided the appellant to refer to the relevant master circular pertaining to Registers to an Issue and Shares Transfer Agents, which is available in the public domain. Accordingly, I do not find any deficiency in the response.

6. **Request number 7-** The appellant, vide request number 7, sought the following information-

7. Details of Any legal action which is pending against the LINKINTIME INDIA PRIVATE LIMITED

7. The respondent, in response to the aforesaid request, informed that the request is vague and not specific and accordingly, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act. The respondent also informed that if any regulatory action is taken by SEBI, the same would be available in the public domain on the SEBI website. Further, the respondent provided the link to access the same. The appellant, in his appeal, *inter alia*, submitted that the information was directly requested from SEBI due to authentication issues.
8. I have perused the request and the response provided thereto. On consideration, I agree with the response of the respondent that the same is vague and not specific. I also find that the query is very general in nature. In this context, I note that in the matter of *Shri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (Decision dated August 30, 2012), the Hon’ble CIC held: “*Since the Appellant had not clearly stated what exact information he wanted, the CPIO could not have provided any specific information to him.*” In view of the same, I find that the query cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. Notwithstanding the same, I note that if any regulatory action is taken by SEBI against any entity, the same would be available in the public domain, on the SEBI website under the head: Enforcement. I find that the respondent has already guided the appellant to access the same.
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: August 18, 2023

B RAJENDRAN

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