

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

Appeal No. 5879 of 2024

Ajay Kumar Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/T/23/00208) dated October 17, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 1, 2023, responded to the application filed by the appellant. The appellant, by an email dated November 23, 2023, sent to Office of Appellate Authority, requested for a video conferencing for first appeal in the said matter. I note that as per the FAQs published on the website of Central Information Commission (hereinafter referred to as “**CIC**”), a request under Section 6(1) of the RTI Act can be made in writing to the CPIO and it may also be filed electronically at <https://rtionline.gov.in>. I note that there is no mandate of accepting applications/appeals by emails under the RTI Act. I note that the appellant was guided accordingly by the respondent vide his response dated November 1, 2023. Accordingly, vide email dated November 28, 2023, Office of Appellate Authority, *inter alia*, requested the appellant to be guided by the response of the respondent and accordingly file the appeal in writing to the First Appellate Authority (hereinafter referred to as “**FAA**”) or electronically at <https://rtionline.gov.in>. Thereafter, in response to the said email, the appellant vide email dated January 05, 2024, forwarded order dated July 22, 2022 of Income Tax Appellate Tribunal in the matter of *Morgan Stanley India Company P. Ltd. Vs Addl. CIT, Range 4(3), Mumbai* (ITA No. 2206/Mum/2011). The said order was forwarded without any submissions by the appellant. Vide email dated January 05, 2024, Office of Appellate Authority once again informed the appellant to be guided by the response of the respondent for filing his appeal in the matter. Thereafter, the appellant sent multiple emails dated January 05, 2024, January 07, 2024, January 08, 2024 and January 11, 2024, *inter alia*, requesting to consider his emails as appeal in respect to the RTI application filed by him on RTI MIS portal. However, the appellant did not provide any reason as to why he is unable to file the appeal through RTI portal. On the contrary, in his email

dated January 5, 2024, he has *inter alia*, submitted that he can file the appeal through portal but he wants to file the appeal through email. Additionally, I also note that as per FAQs published on the website of Maharashtra State Information Commission, it is categorically mentioned that First Appeal cannot be filed through email. I note that there is no mandate of accepting applications/appeals by emails under the RTI Act. Notwithstanding the same, the appeal filed vide emails of the appellant are being taken up for consideration and disposal today.

2. In this appeal, the appellant has made a request for a personal hearing through video conferencing. I have carefully considered the application, the response and the appeal. I note that the nature of the request, the response of the CPIO and the grounds of appeal are self-explanatory and not complex. On the issue of providing an opportunity of hearing by the FAA under RTI Act, a full bench of Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") in *Bombay Stock Exchange Limited vs Securities and Exchange Board of India* (File No. CIC/SM/A/2011/001687) observed that "*It is not practical to lay down an inflexible rule that PIOs and AAs will always offer an opportunity of hearing to the parties, let alone to the 3rd party. They may do so as per their discretion, keeping in view the complexity of legal and factual issues involved, without forgetting that timelines are to be adhered to, being the essence of the Act.*" Therefore, it is noted that there is no specific requirement under the provisions of the RTI Act, of providing a personal hearing by the FAA and that the discretion to give hearing to the appellant shall be exercised considering the complexity of the issues involved and the timelines specified under the RTI Act. In this context, reliance is also placed on the decisions of the Hon'ble CIC in the matters of *Mr. Milind Hemant Kotak, Mumbai vs. Canara Bank* (Decision dated April 24, 2008) and *Mr R.K Jain vs. UPSC* (Decision dated March 10, 2014). Therefore, I am of the opinion that the appeal can be decided on the basis of material available on record.
3. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
4. **Request 1 and 2 of the application** - The appellant, vide request nos. 1 and 2 of the application dated October 17, 2023, sought the following information:

"1. company Identification no and bank account no and name of stock exchanges where icicibrokerageservicesltd and icicisecuritiesltd registered from 1990 to 2023.

- 1. relation of icicibank and icicibrokerageservicesltd and icicisecuritiesltd.*
- 2. notings from smt madhabipuri buch the emails he received from Ajay Kumar Singh and action taken by her."*

5. **Reply of the Respondent** - The respondent, in response to request nos. 1- 2 informed that the information sought are vague and not specific and are in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act.
6. I have perused the aforesaid requests and the response provided thereto. I concur with response of the respondent that the information sought is vague and not specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon’ble CIC held: “*The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.*” Further, I note that the request in the application regarding relation of ICICI bank, ICICI Brokerage Service Ltd. and ICICI Securities Ltd., is not only vague but also appears to be in the nature of seeking clarification/opinion. It is understood 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. I find that the said requests 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/opinion under the RTI Act. In this context, reliance is placed on matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), wherein 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...*”. Accordingly, I do not find any deficiency in the response of the respondent.
7. **Request 3 - 8 of the application** - The appellant, vide request nos. 3 - 8 of the application dated October 17, 2023, sought the following information:
- “3. bank account no and cin no service tax no and pan no and of icicibrokerageservicesltd, icicisecuritiesltd and icicipdealership.*
- 4. cin no from ministry of company affairs.*
- 5. report of jpc regarding icicibrokerageservicesltd and other companies scam.*
- 6. Morgan Stanley filing and relation with icicibrokerageservicesltd.*

7. notings of income tax chairman and ccitm and ito Jaipur and pccir Jaipur in this matter of cheating taxpayers and bybusing fake documents stangling tax payers.

8. income tax not able to send rti to icicibrokerageservicesltd bank but take records from these companies directly.”

8. **Reply of the Respondent** - The respondent, in response to request nos. 3- 8 informed that the information sought is not available with SEBI.
9. I have perused the aforesaid requests and the response provided thereto. I note that the respondent has categorically stated that the requested information is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon’ble CIC, in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: “... *if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given.*” Accordingly, I do not find any deficiency in the response of the respondent.
10. Further, I note that the appellant, in his appeal, has submitted order dated July 22, 2022 of Income Tax Appellate Tribunal in the matter of *Morgan Stanley India Company P. Ltd. Vs Addl. CIT, Range 4(3), Mumbai* (ITA No. 2206/Mum/2011). However, the appellant has not provided any context or submission in respect of the said order in his appeal. Hence, the same appears to have no relevance in respect to this appeal.
11. 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

B RAJENDRAN

Date: January 16, 2024

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