

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

Appeal No. 5154 of 2022

Arun Prabha Lakra	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 28, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 25, 2022 responded to the application filed by the appellant. The appellant filed an appeal dated June 25, 2022.
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated April 25, 2022. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on June 25, 2022. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I find this appeal time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I have considered the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. In view of the submission made by the appellant, I am dealing with the queries raised in the applications and the response provided by the respondent, in the following paragraphs.

5. **Query number 1 and 2-** The appellant, vide query numbers 1 and 2, sought the following information pertaining to her complaint no. DEACM/P/2021/...91 dated December 24, 2021 with respect to Susk India Limited (company):

“1 I have also deposited 17 lakh rupees of my father in this company the recovery of 17 lakh deposited by me has been done

2 You have prepared a listing of all the investors whose money has been deposited in this company.”

6. The respondent, in response to the aforesaid queries, informed that no information has been sought.
7. I have perused query numbers 1 and 2 and I note that the appellant has only made certain statements. I find that no information has been sought from the respondent. Accordingly, I do not find any deficiency in the response.
8. I note that the appellant, in her appeal, inter alia, sought information regarding the money deposited by her. The appellant also queried regarding involvement of other people in the matter. Further, the appellant sought information regarding number of investors, amount of money defrauded by the company, amount deposited by the investors and how it was used by the company. I note that the said requests were raised by the appellant 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 request does not warrant consideration at this stage.
9. **Query numbers 3 and 4-** The appellant, vide query numbers 3 and 4, sought the following information:

3 How long will it take you to make recovery in this company and by when will you fully recover the recovery and by how long and how will you return the crores of rupees deposited in this company to them?

4 This case has been going on since 2015 of Susk India Limited in which there are elements of loss of peoples honor mental torture suicide. people have been exploited by you going but what is your answer? Want to answer all these complaints in writing.

10. The respondent, in response to the aforementioned queries, informed that the queries are in the nature of seeking clarification/opinion and hypothetical in nature. Accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. However, the respondent

informed regarding the order dated December 14, 2017 passed by SEBI in the matter of Susk India Limited and the directions issued to the company and its directors/promoters. The respondent also provided information regarding the recovery proceedings initiated in the matter. The appellant, in her appeal, *inter alia*, reiterated the said queries raised in her application.

11. I have perused the queries and the response provided thereto. On consideration, I find that query number 3 regarding probable time and method for recovering and refunding the amount to the investors, is in the nature of eliciting a clarification or opinion from the respondent regarding a future event, which cannot be construed as an information available on record. Further, I note that vide query number 4, the appellant has made certain allegations against SEBI and sought clarification with respect to the same. Such questions are beyond the scope of the definition of “information” under section 2(f) of the RTI Act. In this context, I note that the Hon’ble CIC, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI (Decision dated January 17, 2013)* 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...”. In view of these observations, I find that the respondent does not have an obligation to provide such clarification or opinion under the RTI Act. Notwithstanding the same, I note that the respondent has provided the information available with him regarding the recovery proceedings. In my view, the query has been adequately addressed. Accordingly, I do not find any deficiency in the response.
12. 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: July 21, 2022

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