

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

Appeal No. 5169 of 2022

Bharatth Vitthal Pawar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 21, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 09, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00437) dated July 05, 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 May 21, 2022, *inter alia*, sought the latest update in the matter of HBN Dairies and Allied Limited (company). The appellant also sought the exact date when he will get his money from SEBI.
3. The respondent, in response to the aforesaid query, informed that the query is in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as “information”, as defined under section 2(f) of the RTI Act, 2005. However, without prejudice to the same, the respondent informed regarding initiation of recovery proceedings against the company and its directors. The respondent also provided details of the Recovery Certificate and prohibitory order issued in the matter along with details of the auction of 6 immovable properties of the company. In addition to the same, the respondent informed regarding status of various matters filed before the Hon’ble NCLT and Hon’ble Supreme Court of India. The respondent also informed that the company is under liquidation as per the order dated January 31, 2020 passed by the Hon’ble NCLT.
4. **Ground of appeal-** On perusal of the appeal, it appears that the respondent is not satisfied with the response provided by the respondent. The appellant, in his appeal, *inter alia*, queried where he can get the information and updates about his investment refunds.

5. I have perused the aforesaid query and the response provided thereto. With respect to the first part of the query regarding latest update in the matter of HBN Dairies and Allied Limited, I note that the respondent has provided detailed information regarding the recovery proceedings initiated against the company and its directors. I note that the respondent has also provided information regarding the various cases filed before the Hon'ble NCLT and the Hon'ble Supreme Court along with the subsequent hearing dates in the pending matters. On consideration, I find that the respondent has adequately addressed the first part of the query by providing the information available with him. Accordingly, I find that no further intervention is warranted at this stage.
6. With respect to the second part of the query regarding the exact date when the appellant will get his money from SEBI, I find that the query 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. I note that such question is 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 did not have an obligation to provide such clarification or opinion under the RTI Act. Accordingly, I do not find any deficiency in the response.
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: July 28, 2022

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