

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

Appeal No. 5275 of 2022

Shoeb Ahmad Niyaz Ahmad Ansari	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 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 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00458) dated July 24, 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 June 21, 2022, sought the following information:

“As per the order of honorable supreme court of order dated 31/08/2012, on sabara india real state corporation ltd & sabara india housing corporation ltd - 1) Also banned to make payment of sabara credit cooperative society ltd. 2) Stars multipurpose cooperative society ltd. 3) Saharyan universal cooperative society ltd. 4)on these society are any type of Embargo that sabara can not sell his property to make payment to society member.”
3. The respondent, in response to the aforesaid queries, informed that the Sahara Credit Cooperative Society Limited, Stars Multipurpose Cooperative Society Limited and Saharyan Universal Cooperative Society Limited do not fall under the regulatory ambit of SEBI. The respondent also advised the appellant to approach the Ministry of Agriculture and Farmers Welfare for resolution of the grievances.
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 reply to query number 4 has not been provided by the respondent which pertains to Sahara India Real Estate Corporation Ltd & Sahara India Housing Corporation Ltd.

5. I have perused the queries and the response provided thereto. On consideration, I find that the queries of the appellant including query number 4 are in the nature of seeking clarification/opinion from the respondent. I note 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 query 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 or opinion under the RTI Act. In this context, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon'ble CIC. Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that 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.
6. Notwithstanding the above, I note that the order dated August 31, 2012 was passed by the Hon'ble Supreme Court with reference to two of the Group Companies of Sahara Group namely Sahara India Real Estate Corporation Limited (SIRECL) and Sahara Housing Investment Corporation Limited (SHICL). As per the said order, the Hon'ble Supreme court had, *inter alia*, directed SEBI to refund the amount to bondholders of SIRECL and SHICL along with interest on production of relevant documents evidencing payment and after counter checking the records produced by Saharas. Further, I note that the respondent has categorically stated that the referred matters do not come under the regulatory ambit of SEBI. The respondent also guided the appellant to approach the Ministry of Agriculture and Farmers Welfare, which is the appropriate authority. In view of the same, I find that no further intervention is warranted 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: August 22, 2022

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