

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

Appeal No. 6375 of 2025

Shubham Kumar : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated April 11, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 24, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00084) dated May 04, 2025. 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, in his application dated April 11, 2025, sought the following information regarding the Supreme Court proceedings in the matter of Sahara:

“ 1. In this matter is any mediation work in progress between the parties or not?

2. Hon'bles Supreme Court of India order for the mediation or not?

3. What is the current status of the case and next date for hearing in Supreme Court of India? current steps by SEBI against Sahara for not depositing total RS 25700/- Crore in Sahara Sebi A/c.

4. Has SEBI received any information about the death of the contemnor Subrata Roy Sahara? If yes, then who has been made accused in place of Subrata Roy Sahara after his death?

5. As per the order of the Hon'ble Supreme Court, SEBI had ordered an investigation of Sahara's 106-acre land in Versova (MUMBAI, MAHARASHTRA). What did SEBI find after the investigation? Is apartment development possible there or not? If not, then what should be done?

6. According to the news in the media, the original deeds of Sahara's land deposited with SEBI have been sold by Sahara without SEBI's permission or information and the Sahara has not deposited the consideration money in the SAHARA - SEBI escrow account? Has SEBI filed any contempt case or LA in the Supreme Court for this?"

3. **Reply of the Respondent** –The respondent, in response to query nos. 1 and 2 in the application, informed that the information sought is not available with SEBI.

The respondent, in response to query nos. 3 and 5, informed that the matter is currently pending in due course before the Hon'ble Supreme Court. Earlier, vide order dated 12.02.2025, the Hon'ble Supreme Court issued notice to the Secretary, Ministry of Environment, Forest and Climate Change and the Secretary, Ministry of Housing and Urban Affairs as well as the Chief Secretary, State of Maharashtra, to inform the Court about the present status of the Versova land. The Hon'ble Supreme Court also directed that two officers/nominee each of the SEBI and SICCL along with two property consultants/real estate experts belonging to Mumbai, nominated by SEBI, to have joint meeting to explore the terms and conditions on which the Versova land can be monetized to get maximum value. The said meeting will be chaired by Amicus Curiae Shri Shekhar Naphade.

The respondent, in response to query no. 4, informed that the information sought by the appellant is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act. Notwithstanding the aforesaid, the respondent informed that as per the communication received from Delhi Police, Mr. Subrata Roy has died. Further, it was also noticed from records that Mr. Ravi Shankar Dubey is currently the director of Sahara India Real Estate Corporation Limited (SIRECL) and Sahara Housing Investment Corporation Limited (SHICL).

The respondent, in response to query no. 6, informed that the information sought by the appellant is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. With respect to query nos. 1 and 2, I note that the respondent has categorically stated that the information sought by the appellant is not maintained by 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 Central Information Commission (**CIC**) in the matter of

Sh. Pattipati Rama Murthy vs. CPIO, SEBI (Decision dated July 8, 2013), has 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.

6. Further, I note that the respondent has provided the information available with him with respect to query nos. 3 and 5.
7. With respect to query nos. 4 and 6, I concur with the response of the respondent that the queries are in the nature of seeking clarification/opinion/confirmation from the respondent. I find that the said queries 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 or confirmation under the RTI Act. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, 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.” Accordingly, I do not find any deficiency in the response of the respondent.
8. 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: May 27, 2025

RUCHI CHOJER

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