

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

Appeal No. 4801 of 2022

Sanjay P Doshi	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 29, 2022 (received by SEBI on February 02, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 25, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated March 16, 2022 (received by the Office of Appellate Authority on March 21, 2022). I have perused the application, the response of the respondent 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 January 29, 2022, sought the following information pertaining to sale of shares by shareholders of Specular Marketing & Financing Ltd.-
 - i. Whether SEBI is convinced that this transaction does not fall under the Prevention of Money Laundering Act? If not, why not?*
 - ii. What are the documents, oral testimonies, replies, submissions, written statements etc. filed by Specular marketing & Financing Ltd., in this matter?*
 - iii. SEBI’s written report for closure of further investigation, in this matter.*
 - iv. I want certified copies of all information collected i.e. your Report file.*
3. The respondent, in response to the aforesaid queries, informed that the aforesaid queries are in the nature of seeking clarification/opinion and the same cannot be construed as seeking “information’ as defined under Section 2(f) of the RTI Act. However, the respondent informed regarding the public announcement made by Mr. Sanjiv Mulchand Sawla and Mr. Mulchand Lakhamsi Sawla in respect of open offer for acquisition of upto 2,20,480 equity shares. The respondent also provided the link for accessing the copies of the Public Announcement, Detailed Public Statement, Draft Letter of Offer

and Letter of Offer pertaining to the said open offer. The respondent also informed that the queries raised vide letter dated October 07, 2021 and January 08, 2022 were in the nature of seeking explanation on the accounting treatment and legality of the transaction arising out of a private agreement between buyer and seller. Further, the respondent stated that no action was initiated in the said matter in terms of FAQs on SCORES with respect to matters which are in the nature of suggestions or seeking guidance/explanation.

4. **Ground of appeal-** The appellant, in his appeal, has not mentioned any specific ground for filing the appeal. The appellant has reproduced certain parts of the response provided by the respondent. Further, the appellant also raised certain other queries in the appeal.
5. I have perused the queries and the response provided thereto. On consideration, I find that the queries of the appellant are in the nature of seeking clarification/opinion from the respondent. I note that 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. 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...". 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 under the RTI Act.
6. Notwithstanding the above, I note that the respondent has adequately addressed the application by providing the information available with him. Further, I note that the appellant has not made any specific submission regarding the response provided by the respondent. In view of the same, I do not find any deficiency in the response.
7. Further, I note that the appellant, in his appeal, raised the following queries-
 - "A. How can a public limited company, quoted on BSE Ltd., have a private agreement to sell, between buyer and seller?
 - B. How can the letter of offer, signed and filed with BSE and SEBI, be a private agreement?

C. How can the buyer of the company, offer me Rs. 100 when the stock price is Rs. 6-7 and the seller offer me Rs 10?

D. The seller has no right to make me a private offer.....”

8. I find that the above mentioned queries 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 queries do not warrant consideration at this stage.
9. 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: April 13, 2022

ANAND BAIWAR

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