

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

Appeal No. 4694 of 2022

Subrata Biswas	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 29, 2021 (received by SEBI on January 15, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 08, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated February 20, 2022 (received by the Office of Appellate Authority on March 02, 2022), against the said response dated February 08, 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. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The queries of the appellant and the responses provided thereto are discussed in the following paragraphs.
3. **Query number 1-** The appellant, vide query number 1 of the application dated December 29, 2021, sought information regarding the recovery proceedings initiated in the matter of Sumangal Industries Ltd. (company):
 1. *As per SEBI, could you please specify how much amount of money is substantial amount of money to be recovered from defaulters in order to initiate process of refund to investors?*
4. 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 seeking “information” as defined under Section 2(f) of the RTI Act. However, the respondent informed that SEBI, vide order dated July 09, 2013, has, *inter alia*, directed the company and its directors to wind up the existing Collective Investment Schemes and refund the money to its investors as per the terms of offer, within a period of three months from the date of the said order and submit a winding up and repayment report to SEBI in

accordance with the SEBI (Collective Investment Schemes) Regulations, 1999. The respondent also informed that SEBI has initiated recovery proceedings under Section 28A of the SEBI Act, 1992, against the company and its directors, on failure to comply with the aforementioned directions. Further, it was informed that SEBI is in the process of recovering the amount mentioned in the said order.

5. I have perused the query and the response provided thereto. On consideration, I find that the query of the appellant is 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 *Sbri 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...". In view of these observations, 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.
6. Notwithstanding the above, I note that the respondent has addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.
7. **Query numbers 2 and 3-** The appellant, vide query numbers 2 and 3, sought the following information:
 2. *How much more amount money to be recovered on the top of money already recovered?*
 3. *SEBI's order dated July 09, 2013 since defaulters failed to comply the SEBI's order. How much amount of money has been recovered during last eight years from the date of order.*
8. The respondent, in response to the aforesaid queries, informed that as per the recovery certificate, an amount of Rs. 85 Crore is to be recovered from the company and till date an amount of Rs. 32,40,826.83/- has been recovered by SEBI. The respondent also informed that the remaining amount of money is to be recovered.
9. I have perused the queries and the response provided thereto. I find that the respondent has adequately addressed the queries 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.

10. Further, I note that the appellant, in his appeal, submitted that the default company has 14 industrial units. Further, the appellant, *inter alia*, sought information regarding latest recovery made in the matter and amount recovered from defaulters during last six months from September 2021. The appellant also queried when the investors can expect refund. I find that these 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 requests do not warrant consideration at this stage.
11. 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: March 28, 2022

S V MURALI DHAR RAO
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA