

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

Appeal No. 6315 of 2025

Swaminath Singha	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 27, 2024 (received by SEBI on January 01, 2025) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 17, 2025, responded to the application filed by the appellant. The appellant filed an appeal dated February 03, 2025 (received by the Office of Appellate Authority on February 05, 2025). 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, in his application dated December 27, 2024, sought the following information:

- 1. On which date you have received my RTI letter dt 05-12-24 as mentioned in the ref. above?*
- 2. Have you answered to the above letter?*
- 3. Are you agree to the points as mentioned in my letter dt 5-12-2024?*
- 4. Have you tried to recover a large amount of money from the holders of two and four wheelers and loan given by the CMD, Rejaul Karim to different persons. The details of which you had taken from me a good many times.*
- 5. Have you followed the directions of Shree G Mahalingam, WTM as mentioned under WTM/GM/EFD/DRA III/15/2018-19 dated May 3, 2018 in respect of recovery of dues of Apna Parivar Agro Farming Developers India Ltd.? Is there any mention of freezing / holding of account of directors (Swaminath Singha and ors) before collecting money from the assets of the Company?*

6. Have you seen the full body resolution of Directors of Apna Parivar Agro Farming Developers India Ltd. which have been given to you a good many times vide AP/HO/BRD/Z1/2013-14 date 14.05.2014?

7. Being a cancer patient have I appeal to your good self to defreeze my accounts at least on Humanitarian Ground, natural justice and several rulings of Bombay High Court viz. Ramesh Sitaldas Dalal and Anr. Vs. the state of Maharashtra & ors. (Neutral Citation: 2023; BHC-AS:34459-DB master circular of SEBI cannot overrule the rulings of the high court.

8. Have you relied on rulings on Bombay High Court in different cases of the company or others in courts?

9. As per your directions, I appealed to the Hon'ble SAT, Mumbai to release my frozen account but it was dismissed on the filthy grounds as "the order dated May 3, 2018 directing refund of money is not challenged." This may be a technical mistake of my Ld. Advocate. You have advised me to challenge the order of the recovery officer, ERO and accordingly I did so. Was it not your wrong direction/advice?

10. At present, I should request you to let me know as to what I have to do for releasing the Hold A/c of this Cancer Patient so that I may continue my treatment at Tata Memorial Hospital, Mumbai.

11. I want to keep Rs. 500 per month from my daily expenditures for rainy season. Where should I place this recurring amount so that you cannot extend your hand to hold/freeze?

12. Under total facts and circumstances should I request to your good heart to defreeze my accounts?

3. **Reply of the Respondent** - The respondent, in response to the query no. 1, informed that the RTI letter dated December 05, 2024 was received by SEBI on December 12, 2024.

The respondent, in response to query nos. 2, 3, 4, 5, 6, 8, 9 and 11, informed that the information sought by the appellant is in the nature of seeking clarification. Hence, the same does not qualify as information under section 2(f) of RTI Act.

The respondent, in response to query nos. 7, 10 and 12, informed that SEBI had earlier informed to the appellant that apart from pension account, no other account shall be released by SEBI. SEBI had also advised that, if the appellant is aggrieved by the SEBI order, he may file an appeal before Hon'ble Securities Appellate Tribunal. It was also informed that the recovery proceedings shall continue till the amount stated in the recovery notice is recovered. The respondent also mentioned that any attachment of movable or immovable assets, prohibitory order, etc. will appear on website of SEBI and provided the relevant path for accessing the same.

4. **Ground of appeal**- On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.

5. I have perused the queries and the response provided thereto. With respect to query no. 1, I find that the respondent has adequately addressed the query by providing the information available with him. It is also noted that the appellant in his appeal has submitted that the letter dated December 05, 2024 is not a RTI letter. In light of the aforesaid, I do not find any deficiency in the response of the respondent.
6. With respect to query no. 2, I note that appellant's query is specific. In my view, the respondent was obliged to ascertain the availability of the requested information with SEBI and whether the same may be provided to the appellant in accordance with the provisions of the RTI Act. On consideration, I find that the aforesaid query has not been adequately addressed. Accordingly, it would be appropriate to remit the aforementioned query for reconsideration.
7. With respect to query nos. 3, 4, 5, 6, 8, 9 & 11, I concur with the respondent that the queries are in the nature of seeking clarification from the respondent. It is understood 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 appellant's 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 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 Central Information Commission (hereinafter referred to as "**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.
8. Further, I note that the respondent has provided the information available with him with respect to query nos. 7, 10 & 12.

9. Considering the above observations, I remit the application to the respondent for de novo consideration of query no. 2. in the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
10. The appeal is accordingly disposed of.

Place: Mumbai

Date: March 03, 2025

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