

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

Appeal No. 5613 of 2023

Navdeep Gupta	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 03, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 03, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00050) dated March 05, 2023. 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-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. In view of the submissions made by the appellant in his appeal, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query numbers 1, 2 and 3-** The appellant, vide query numbers 1, 2 and 3, sought the following information-

“1. Please provide me information as to the names and addresses of officials who have officially read, seen and evaluated the Hindenburg Research report.

2. Please provide me information with regard to government agency who have officially read, seen and evaluated the Hindenburg Research report.
4. The respondent, in response to the aforesaid queries, informed that the queries are vague and not specific. Accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. The appellant, in his appeal, *inter alia*, submitted that his queries are self-explanatory and constitute “information” as per section 2(f) of the RTI Act.

5. I have perused the queries and the response provided thereto. On consideration I find that the same are vague and not specific. In view of these observations, find that the queries cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. Accordingly, I do not find any deficiency in the response.
6. **Query number 3-** The appellant, vide query number 3, sought the following information-

“3. Please provide me information if Hindenburg Research report has been read, seen and evaluated by SEBI, ED, or CBI.”
7. 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.
8. I have perused the query and the response provided thereto. On consideration, I find that that the query is in the nature of seeking clarification/opinion from the respondent. I note that the CPIO is not supposed to provide clarification; or to interpret information; or to compile information as per the desire of 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...”. 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. Accordingly, I do not find any deficiency in the response.
9. **Query number 4-** The appellant, vide query number 4, sought the following information:

“4. Please provide me information as to action taken by Indian Government on Hindenburg Research report.”
10. The respondent, in response to the aforesaid query, informed that the information sought is not available with SEBI.

11. I have perused the query and the response provided thereto. On consideration, I do not find any reason to disbelieve the response provided by the respondent that the requested information is not available with SEBI. In this regard, I note that the Hon'ble Supreme Court of India, in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that “*The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.*” In view of these observations, I do not find any deficiency in the response.
12. 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 29, 2023

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