

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

**Appeal No. 5171 of 2022**

|                    |    |            |
|--------------------|----|------------|
| Nikhil Girme       | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated June 05, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00438) dated July 05, 2022. I have carefully considered the application, the response provided by 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 June 05, 2022, *inter alia*, sought information regarding action taken against non-fulfilment of the repayment order passed by SEBI in the matter of Neesa technologies Limited. The appellant also sought information regarding when the amount will be repaid.
3. The respondent, in response to the aforesaid queries, informed that queries are 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 has already initiated recovery proceedings in the matter. The respondent also provided the weblink for accessing any further developments in the matter.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused.
5. I have perused the aforesaid query and the response provided thereto. With respect to the first part of the query regarding action taken by SEBI for non-compliance of the order passed by SEBI in the matter of Neesa Technologies Limited, I note that the respondent has already informed that the recovery proceedings have been initiated in the said matter. I also note that the respondent has guided the appellant by providing

the link for accessing the information regarding recovery proceedings, if any, available on the SEBI website. On consideration, I find that the respondent has adequately addressed the first part of the query by providing the information available with him. Accordingly, I find that no further intervention is warranted at this stage.

6. With respect to the second part of the query regarding the exact date when the amount will be repaid., I find that the query is in the nature of eliciting a clarification or opinion from the respondent regarding a future event, which cannot be construed as an information available on record. I note that such question is beyond the scope of the definition of “information” under section 2(f) of the RTI Act. In this context, I note that the Hon’ble CIC, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI (Decision dated January 17, 2013)* 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 respondent did not have an obligation to provide such clarification or opinion under the RTI Act. Accordingly, I do not find any deficiency in the response.
7. Further, I note that the appellant, in his appeal, sought the following information-
- “When was recovery initiated ?  
At what stage is it now?  
Have Assets been attached by SEBI?  
What is value of Assets? Any tentative date it will get completed?  
What is amount possible to be recovered to pay NCD and OCD holders?”*
8. On consideration, I find that the abovementioned queries were raised 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: August 03, 2022**

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