

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

Appeal No. 5617 of 2023

Balwinder Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 16, 2023 (received by SEBI on January 23, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 16, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated January 27, 2023 (received by the Office of Appellate Authority on March 08, 2023). 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 16, 2023, sought the following information:
 1. *Whether colored copy of Aadhar card of shareholder is required for the purpose of issuance of duplicate securities.*
 2. *Whether submission of client master List is mandatory for the purpose of issuance of duplicate securities.*
 3. *Whether spouse of shareholder can be witness to indemnity Bond (Annexure B enclosed to SEBI circular dated 25-05-2022).*
3. The respondent, in response to the aforesaid queries, informed that the 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.
4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, *inter alia*, submitted that comprehensive modifications in procedure for the issuance of duplicate securities has been initiated

by SEBI vide Circular dated May 25, 2022. The appellant also submitted that the provision of submission of colour copy of Aadhar card has not been laid down by any statutory authority. Further, the appellant stated that there is no relevance of Client Master List in respect of issuance of duplicate securities. The appellant also stated that there is no bar to near relative of shareholder to be witness to indemnity bond. The appellant, *inter alia*, submitted that the queries cannot be construed as seeking clarification/opinion. The appellant, in his appeal, made certain allegations against Registrar and Transfer agent (RTA).

5. I have perused the queries and the response provided thereto. On consideration, I find that the queries are in the nature of seeking clarification/ opinion from the respondent. The queries also appear to be situational queries regarding issuance of duplicate securities. I note that the respondent is not supposed to provide opinion; or to interpret information; or to furnish clarification to the appellant under the ambit of the RTI Act. In this context, I note that the Hon'ble CIC, in the matter of *Mr. Mahendra Kumar Mehta vs. CPIO, SEBI* (Judgment dated April 12, 2021), held that: *"9. This Commission observes that the appellant herein attempts to seek legal opinion/clarification from the CPIO to his situational queries with regard to 'the circular, rules, regulations, notification etc. regarding trading member for taking stock in pledge, collateral, or security for providing margin to do trade in reference to derivatives segment, charging of interest and GST, precaution to be taken by trading member for protection of constituents individual/HUF etc.'. Therefore, the CPIO is not supposed to interpret information; or to furnish replies to situational queries; or to furnish clarifications. Hence, such queries seeking legal opinion/clarification from the CPIO are not covered within the definition of 'information' u/Section 2(f) of the RTI Act, 2005. Accordingly, this Commission upholds the contention put forth by the CPIO."* In view of these observations, I find that the respondent does not have any obligation to provide such clarification/opinion with respect to situational queries, under the RTI Act. Accordingly, I do not find any deficiency in the response.
6. Notwithstanding the above, I note that all the Circulars issued by SEBI are available on the SEBI website, which is in the public domain. The appellant may be guided accordingly.
7. Further, I note that the appellant has made various submissions/allegations in his appeal against RTA. On perusal, it appears that the said submissions of the appellant have been made for the first time in this appeal and the same are in the nature of grievance. In this regard, I note that the Hon'ble CIC, in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012), held: *"The Appellant is informed that ... redressal of grievance does not fall within the ambit of the RTI Act rather it is up to the Appellant to approach the correct grievance redressal forum..."*. I note that a similar view was taken

by the Hon'ble CIC in the matter of *Yogesh Malhotra vs. PIO, Delhi Police* (order dated May 28, 2021). Further, 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 submissions/allegations do not warrant consideration at this stage.

8. 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 05, 2023

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