

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

Appeal No. 5162 of 2022

Ram Prasath	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 30, 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 27, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated June 29, 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. **Queries in the application** –The appellant, vide his application dated May 30, 2022, sought the following information:
 1. *In the two complaints I made with SEBI, neither NSDL nor SEBI are able to get the details to us that is required according to the circular SEBI/HO/MIRSD/DOP1/CIR/P/2018/54. If SEBI could not help in getting the required information from the company, then please help me understand the purpose of the circular.*
 2. *The Geojit company replies that if NSDL or SEBI provides approval, they can provide the required data. In this case, please provide me the information about the process here, because we wanted to validate this account by viewing the duly-filled application form and other details.*
3. The respondent, in response to query number 1, 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. In response to query number 2, the respondent informed that the query is in the nature of seeking guidance and accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in his appeal, *inter alia*, submitted that he is not able to get

the information from Geojit company. The appellant also stated that a dispute arose since the transactions were done without the knowledge of the surviving holder.

5. I have perused the application and the response provided thereto. On consideration, I find that the queries of the appellant are in the nature of eliciting clarification/guidance from the respondent with respect to situational queries. I note 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, 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 did not have an obligation to provide such clarification/guidance under the RTI Act.
6. Further, I note that the appellant, in his appeal, raised certain grievances against broker and Geojit company. In my opinion, if the appellant has any grievance, he may approach the appropriate grievance redressal forum. I note that redressal of grievance does not fall within the ambit of the RTI Act. Similar observations were made by the Hon'ble CIC in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012). In view of these observations, I find that the submissions of the appellant do not warrant consideration at this stage.
7. 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: July 27, 2022

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