

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

Appeal No. 4798 of 2022

Braj Raj Kishore	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 10, 2022 (received by SEBI on January 17, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 14, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated March 11, 2022 (received by the Office of Appellate Authority on March 16, 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 query number 2 of his application, *inter alia*, sought the complete method for transferring the physical share to his daughter. The appellant, vide query number 3, *inter alia*, requested to inform the method for entering his current address in the books of the company. Vide query number 4, the appellant stated that the shares that he has, are not trading for many years and that he has not dematerialized them. The appellant sought information regarding what he should do. The appellant, vide query number 5, *inter alia*, sought information whether certain companies whose names are provided in the application, exist or not. The appellant also mentioned folio numbers of the shares held by him. The appellant, vide query number 6, requested to forward the share transfer form. Vide query number 7, the appellant sought information whether share transfer form has to be filled and sent to related companies.
3. The respondent, in response to the aforesaid queries, informed that the same are in the nature of grievance. The respondent also informed that taking action or resolution of grievance does not come under the provisions of the RTI Act. Therefore, it does not qualify as information under provisions of Section 2(f) of the RTI Act. Further, the respondent provided information regarding lodging of grievance on the SCORES portal of SEBI and tracking the status of the same. The respondent also provided the toll free helpline numbers launched by SEBI to facilitate replies to various queries of the

general public on matters related to securities market. Further, respondent advised the appellant to refer to the FAQs on “Investor Grievances- SCORES”, available on the SEBI website. The respondent also provided the link for accessing the said FAQs.

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 all the information sought in his application, come under the purview of the RTI Act. The appellant also requested to seek the information from the relevant departments of SEBI and provide the same as per Section 6(3) of the RTI Act.
5. **Query numbers 2, 3, 4, 5 and 7-** I have perused the queries and the response provided thereto. On consideration, I find that the queries of the appellant are in the nature of seeking clarification/opinion from the respondent. 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, 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...*”. I find that the said 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 or opinion under the RTI Act.
6. **Query number 6-** I have perused the query and the response provided thereto. On consideration, I find that the information is not available with SEBI. Further, the answer to the query can be found out by the appellant by accessing the information available in the public domain. I note that Hon’ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that “..... *unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be ‘held’ or ‘under the control of’ the public authority and, thus would cease to be an information accessible under the RTI Act.*” In view of these observations, I find that the respondent cannot be obliged to provide response to such request for information, as made by the appellant through his application.

7. In view of the above observations, I find that no further intervention of this forum is warranted at this stage. The appeal is accordingly dismissed.

Place: Mumbai

Date: April 13, 2022

**S V MURALI DHAR RAO
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA**