

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

Appeal No. 6238 of 2024

Kapil Aggarwal	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 31, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 21, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00283) dated November 21, 2024. 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 October 31, 2024, sought the following information:

“I had filed a pgportal complaint with reference DOEAF/E/2024/0000845 against INTERACTIVE BROKERS (INDIA) PRIVATE LIMITED having DP ID IN303567. I had clearly mentioned this was on account of denial in account opening after meeting all formalities and criteria of eligibility and they have been arbitrary and provided no reason. Regulator without getting into understanding the grievance properly closed the complaint with wierd revert not related to matter raised. The complaint is as attached for refernce.

Please share the basis of this closure without redressal??

Has regulator made the broker or NSDL answerable?”

3. **Reply of the Respondent** - The respondent, in response to query no. 1 informed that appellant’s query is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as

“Information”, as defined u/s 2(f) of the RTI Act. However, respondent informed also that the status of the complaint and Action Taken Report (**ATR**) can be viewed in PG Portal (CPGRAMS).

The respondent in response to query no. 2 informed that the query is vague and is hypothetical in nature. Accordingly, respondent informed that the same cannot be construed as “Information” as defined u/s 2(f) of the RTI Act.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to the information requested.
5. I have perused the application and the response provided thereto. On consideration, I concur with the response of the respondent that the query no.1 in the application is in the nature of seeking clarification/opinion. I find that the said query cannot be construed as seeking ‘information’ as defined under section 2(f) of the RTI Act. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, Hon’ble Central Information Commission (**CIC**) observed that “7. The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/ opinion/ advice/ confirmation/ clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/ opinions/ advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him”. Notwithstanding the aforesaid, I note that respondent had informed that the status of the complaint and Action Taken Report (**ATR**) can be viewed in PG Portal (CPGRAMS). Accordingly, I do not find any deficiency in the response of the respondent.
6. With respect to query no.2 in the application, I concur with response of the respondent that the said query is vague. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) held: “The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the

RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.” Further, I am also of the view that the aforesaid query is in the nature of hypothetical question. I note that respondent is not supposed to furnish replies to hypothetical questions. Accordingly, I do not find any deficiency in the response of the respondent.

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: December 20, 2024

RUCHI CHOJER

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