

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

**Appeal No. 4355 of 2021**

Dahyalal Ganeshbhai Panchal	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

**ORDER**

1. The appellant had filed an application dated May 03, 2021 (received by SEBI on May 06, 2021) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 01, 2021 responded to the application filed by the appellant. The appellant filed an appeal dated June 21, 2021 (received by the Office of Appellate Authority on June 28, 2021), against the said response dated June 01, 2021. 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. **Grounds of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the reply to query numbers 1, 3, 4 and 5. In view of the submissions of the appellant, I am only dealing with the said queries, in this appeal.
3. **Query number 1-** The appellant, vide query number 1, *inter alia*, sought the following information pertaining to Sahara India Commercial Corporation Ltd. (SICCL):
  1. By which division of the government and for how long the recovery proceedings are going on?  
In how much time this proceeding is likely to be settled?
4. The respondent, in response to query number 1, informed that the recovery proceedings in the matter has been initiated by the Recovery and Refund Department of Eastern Regional Office, by issuing recovery certificate on April 09, 2021. The appellant, in his appeal, submitted that only partial information with respect to query number 1 has been provided.
5. On perusal of the query and the response provided thereto, I note that the respondent has addressed the first part of the query, by providing the information available with him. Further, I note that the appellant

has not made any specific submission regarding the same. Accordingly, I do not find any deficiency in the response.

6. I note that the appellant, vide second part of query number 1, sought information regarding the time to be taken for the recovery proceedings to be settled. I find that the same is in the nature of eliciting a clarification or opinion regarding a future event, which cannot be construed as an information available on record. In this regard, 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 the same, I find that the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. Accordingly, I am of the opinion that no interference of this forum is warranted at this stage.
7. **Query number 3-** The appellant, vide query number 3, *inter alia*, sought the following information-
  3. With respect to his complaint number 1...7/2020 filed before CID crime office, Gandhinagar, the appellant sought information whether investigation in this office has been entrusted by SEBI. If the same is entrusted by SEBI, whether an inquiry is made in writing by SEBI about the progress of this investigation.
8. The respondent, in response to query number 3, informed that SEBI, in compliance with the order dated October 31, 2018, had forwarded the aforesaid order to the Director General & Inspector General of Police, West Bengal, for information. The respondent also informed that the query with regard to whether there is a provision for sending a reminder, is in the nature of enquiry/inquisition and thus cannot be construed as seeking "information" as defined under Section 2(f) of the RTI Act.
9. On perusal of the first part of the query, I note that the respondent has categorically informed that the copy of the order dated October 31, 2018 passed in the matter of SICCL, has been forwarded to Director General & Inspector General of Police, West Bengal, for information. I note that the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.
10. Further, on perusal of the second part of the query and the response provided thereto, I agree with the observation of the respondent that the same is in the nature of enquiry/ inquisition. I find that the said

queries cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. In view of the said observations, I do not find any deficiency in the response.

11. **Query numbers 4 and 5-** The appellant, vide query numbers 4 and 5, *inter alia*, sought the following information:
  4. Whether SEBI can hand over the investigation against this company to the CBI to help in getting the refund of the deposits of the investors stuck in the company.
  5. Whether SEBI can file a case against SICCL in the Economic Offence Bench of the Supreme Court or in the Economic Offence Bench of any High Court of the State, to help the investors in getting refund of the deposits stuck in the company.
12. The respondent, in response to query numbers 4 and 5, observed that the queries are in the nature of enquiry/inquisition and thus cannot be construed as "information" as defined under section 2(f) of the RTI Act.
13. On consideration, I agree with the response provided by the respondent and I also find that the same is that nature of seeking clarification/opinion of the respondent. In this context, reference is made to the matter of *Parvinder Singh vs. Public Information Officer under RTI* (Order dated July 19, 2021), wherein the Hon'ble CIC held that, "12. Nevertheless, Commission has gone through the case records and on the basis of proceedings observes the information sought by the appellant is clarificatory in nature and thus, doesn't qualify as information as per Section 2(f) of the RTI Act, 2005. Further, PIO is required to provide information as available with them in form of records, documents, memos, emails, opinions, advises, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data material held in any form and not supposed to create information or interpret information in respect of clarifications, hypothetical & futuristic queries." In view of the said observations, I do not find any deficiency in the response.
14. 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, 2021

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