

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

Appeal No. 4364 of 2021

Anang Manubhai Shah : Appellant
Vs
CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated June 19, 2021 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 28, 2021, responded to the application filed by the appellant. The appellant filed an appeal dated July 09, 2021, against the said response dated June 28, 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. **Queries in the application** –The appellant, vide his application dated June 19, 2021, sought the following information regarding Karvy’s closure cum transfer application:

*“I have sent the following email with all the relevant attachments to relations@nsdl.co.in
When do we expect the NSDL to transfer the shares from Karvy to J M Financial account?”*
3. The respondent, in response to the query, informed that the same is in the nature of seeking clarification/grievance. It was further informed that taking action or resolution of grievance does not come under the provisions of the RTI Act. The respondent observed that the query does not qualify as “information” under provisions of Section 2(f) of RTI Act. The respondent also provided information regarding lodging and tracking the status of complaints online. Further, 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. In addition to the same, the appellant was also advised to refer to FAQs available on the SEBI website.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, *inter alia*, submitted that he had sought the timeline for getting money back into his account after filing the closure form.

5. On perusal of the query, I note that the appellant had sought information regarding the timeline for transfer of shares from Karvy to J M Financial account. 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. It is understood 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. I find that the said query 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 under 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.
6. Further, it also appears that the appellant has grievance regarding transfer/payment of money back into his account after filing closure form. In this context, I note that the Hon'ble CIC, in plethora of decisions including *Shri Vikram Singh v. Delhi Police, North East District*, (CIC/SS/A/2011/001615 dated February 17, 2012), *Sh. Triveni Prasad Babuguna v. LIC of India, Lucknow* (CIC/DS/A/2012/000906 dated September 06, 2012) and *Mr. H.K. Bansal v. CPIO & GM (OP), MTNL* (CIC/LS/A/2011/000982/BS/1786 dated January 29, 2013), has held that the RTI Act, 2005 is not the proper law for redressal of grievances/disputes. In view of these observations, I find that if the appellant has any grievance, the remedy for the same would not lie under the provisions of the RTI Act.
7. Notwithstanding the above, I find that the respondent has adequately guided the appellant to refer to the SCORES website for lodging any grievance and also provided helpline service numbers launched by SEBI, to facilitate replies to various queries of the general public on matters relating to securities market. I find that the application has been adequately addressed by the respondent. Accordingly, I do not find any deficiency in the response.
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: August 02, 2021

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