

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

Appeal No. 4014 of 2020

Raghavendra B. Datar : Appellant
Vs.
CPIO, SEBI, Mumbai : Respondent

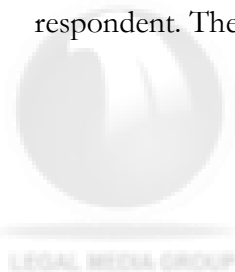
ORDER

1. The appellant had filed an application dated October 17, 2020 (received by SEBI on October 21, 2020) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 19, 2020, responded to the application filed by the appellant. The appellant filed an appeal dated December 08, 2020 (received by the Office of Appellate Authority on December 17, 2020) against the said response dated November 19, 2020. 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 17, 2020, *inter alia* stated in detail regarding his complaint against New Global Star Hotels and Resorts, made to the Commissioner of Police, EOW, Pune, and the subsequent communication/correspondence with Officers of SEBI. The appellant also stated that he had not received the information with respect to his letters dated March 20, 2020 and July 30, 2020 (originally addressed to Commissioner of Police, EOW, Pune) and email dated September 21, 2020 seeking advise/guidance in the matter of New Global Star Hotels and Resorts. Further, the appellant sought information about present status of auction of the remaining properties of Suman Motels Ltd., as ordered by the Hon’ble MPID Court. The appellant also sought the probable date by which the auction will be completed and the amount will be deposited with the MPID Court.
3. The respondent, in response to the application with respect to New Global Star Hotels and Resorts, observed that the query is vague and not specific, and hence the same cannot be construed as “information” under Section 2(f) of the RTI Act. With regard to Suman Motels Ltd, the respondent informed that the auction of the remaining properties in the matter of Suman Motels Ltd. is pending. Further, with respect to the probable date by which the auction will be completed and the amount will be deposited with the MPID Court, the respondent informed that the same is in the nature of seeking

clarification/opinion and hence cannot be construed as “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 he is not satisfied with the response dated November 19, 2020. The appellant, in his appeal, has inter alia submitted that he requires guidance/advise of SEBI, in view of Police Department’s advice to approach SEBI or Court for redressal of his grievance.
5. **Application pertaining to New Global Star Hotels and Resorts-** I have perused the application pertaining to New Global Star Hotels and Resorts. I note that the appellant, in his application, has stated in detail the order of events with respect to his complaint lodged with the Commissioner of Police, EOW, Pune, and related communication/correspondence with SEBI. I also note that the appellant has made submission with respect to non receipt of information/communication from SEBI regarding guidance sought with respect to his grievance. On consideration, I agree with the observation of the respondent that the application pertaining to the matter of New Global Star Hotels and Resorts, is vague and not specific. I find that no specific information, as defined under section 2(f) of the RTI Act, has been sought by the appellant. I note that in the matter of *Shri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (Decision dated August 30, 2012), the Hon'ble CIC had held that: "*Since the Appellant had not clearly stated what exact information he wanted, the CPIO could not have provided any specific information to him. We would like to advise the Appellant that he might like to specify the exact information he wants from the SEBI and prefer a fresh application before the CPIO*". In view of these observations, I find that the respondent is not obliged to provide a response where the information sought is not clear and specific.
6. Further, I note that the appellant, in his appeal, sought guidance/advise of SEBI, in view of the Police Department’s advice to approach SEBI or Court for redressal of his grievance. In this context, I note that the Hon’ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011), had inter alia held that: *A public authority is “...not required to provide „advice” or „opinion” to an applicant, nor required to obtain and furnish any „opinion” or „advice” to an applicant. The reference to „opinion” or „advice” in the definition of „information” in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provided advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act*”. In view of these observations, I find that the respondent cannot be obliged to provide guidance/advise to the appellant.

7. **Application pertaining to Suman Motels Ltd:** I have perused the latter part of the application pertaining to Suman Motels Ltd. I note that the respondent has clearly informed the status of the auction with respect to the remaining properties. I find that the respondent has adequately provided the information available with him. In view of the same, I do not find any deficiency in the response.
8. Further, I find that the query regarding probable date by which the auction will be completed and the amount deposited with the Hon'ble MPID Court, is in the nature of eliciting a clarification or opinion from the respondent regarding a future event, which cannot be construed as an information available on record. Such questions are beyond the scope of the definition of "information" under section 2(f) of the RTI Act, as held by the Hon'ble CIC in the matters of *Shri N. Anbarasan Vs. the CPIO of CIC* (Order dated October 26, 2006) and *Shri Ravi Kumar Vs. Coffee Board, Bangalore* (Order dated April 13, 2006). Accordingly, I do not find any deficiency in the response.
9. 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.



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Place: Mumbai

AMARJEET SINGH

Date: January 12, 2021

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