

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

Appeal No. 6669 of 2026

Nitish Kumar : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated November 25, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 24, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00338) dated December 24, 2025. 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, in his application dated November 25, 2025, sought the following information:

1. *Kindly provide the complete action taken report, file notings and recorded reasons for premature closure of my first complaint bearing reference no. SEBIE/HY25/KURU/024585/1*
2. *Please provide the name, designation and office details of the NSE dealing officer who handled and decided the closure of my above-mentioned complaint.*
3. *Under which specific rule, regulation, circular or authority was I denied the opportunity to proceed for conciliation/ arbitration on the NSE Smart ODR platform?*
4. *Kindly provide a certified copy of all internal communications, emails or notes exchanged between SEBI and NSE in respect of my first complaint.*
5. *Kindly inform whether any departmental inquiry, warning, suspension, or disciplinary proceedings have been initiated against the concerned NSE dealing officer. If yes, provide the full details with dates.*
6. *Please provide a comparative clarification explaining why my second complaint (SEBIE/HY25/031689/1), which involved the same issue, was processed properly and resulted in ₹10,000 compensation, thereby establishing the genuineness of my grievance.*

7. Provide information on the special grievance redressal mechanism or safeguards provided for Divyang (physically handicapped) investors who face harassment, delay or negligence by officials of SEBI/NSE.

8. Kindly provide the reason for non-response to my official emails sent to: sebi@sebi.gov.in, cvo@sebi.gov.in, ignse@nse.co.in & vigilance@nse.co.in

9. Please confirm whether the act of the concerned officer amounts to violation of SEBI's investor protection guidelines and principles of natural Justice.

10. In view of the above facts and my status as a physically handicapped person who was subjected to mental harassment, discrimination, unnecessary delay and denial of justice, kindly inform:

> Whether I am entitled to claim compensation of ₹5,00,000 (Rupees Five Lakh only) for mental agony, harassment, loss of time and emotional distress - and if yes, the procedure for claiming the same.

11. Kindly provide certified copies of all documents, rules, file notings and guidelines relied upon while deciding my first complaint."

3. **Reply of the Respondent** –The respondent, in response to query nos. 1, 3 and 6 in the application, informed that the queries are 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.

The respondent, in response to query nos. 2, 4 and 11, informed that the complaint handling process on SCORES is electronic and the ATR contains all information related to processing of the complaint. No separate file notings are maintained outside the system. All actions, observations, clarification sought and responses received are recorded as part of the action history on SCORES, which is accessible after logging in with the credentials. As the disposal of complaint is through online mode only, certified copy is not provided by SEBI.

The respondent, in response to query no. 5, informed that the information sought is not available with SEBI.

The respondent, in response to query no. 7, informed that the query is hypothetical in nature. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act. Notwithstanding the aforesaid, the respondent informed that the details of all circulars issued by SEBI regarding grievance redressal mechanism are available on SEBI website.

The respondent, in response to query no. 8, informed that the query is in the nature of seeking reason. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

The respondent, in response to query no. 9, informed that the query is in the nature of seeking clarification/confirmation Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

The respondent, in response to query no. 10 informed that the query is hypothetical in nature and 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.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. With regard to query nos. 1, 3, 6 and 9, I concur with the response of the respondent that the appellant's queries are in the nature of seeking clarification/opinion/confirmation from the respondent. 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 or confirmation under the RTI Act. In this context, reliance is placed on 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.*" Accordingly, I do not find any deficiency in the response of the respondent.

6. With respect to query nos. 2, 4 and 11, I find that the respondent has adequately addressed the queries by providing the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
7. With regard to query no. 5, I note that the respondent has categorically stated that the requested information is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon'ble CIC in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: “... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given.” Accordingly, I do not find any deficiency in the response of the respondent.
8. With respect to query nos. 7 and 10, I concur with the response of the respondent that the information sought is in the nature of hypothetical queries. I find that the said queries cannot be construed as seeking ‘information’ as defined under section 2(f) of the RTI Act. In this context, I note that the Hon'ble CIC, in the matter of *V R Srinivasan vs. CPIO, SEBI* (Order dated January 19, 2023), held that, “*The Commission opined that the appellant has not sought any material information as defined in section 2(f) of the RTI Act, 2005 and his queries were totally based upon a hypothetical situation, therefore, the denial of information was proper.*” Accordingly, I do not find any deficiency in the response of the respondent.
9. With regard to query no. 8, I concur with the response of the respondent that the query is in the nature of seeking reason/justification for the action/non action of SEBI from the respondent. On the context of seeking reasons for certain action/non action of public authority, the Hon'ble High Court of Bombay in *Dr. Celsa Pinto, Ex-Officio Joint Secretary (School Education) vs. the Goa State Information Commission* (Judgment dated on 3 April, 2008) held that “*The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.*” Accordingly, I do not find any deficiency in the response of the respondent.

10. 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: January 19, 2026

RUCHI CHOJER

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