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

Appeal No. 7147 of 2026

Vaibhav Bansal	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 20, 2026 (received by SEBI through RTI MIS portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated October 13, 2026, responded to the application filed by the appellant. The appellant filed an appeal dated October 14, 2026 (Reg. No. SEBIH/A/E/26/00393). I have perused the application, the response of the respondent 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, sought the following information:

    1. *"How are the candidates, who do not have 2 years of qualifying experience, appearing for SEBI Grade A Legal interview evaluated? Do the interviewers give marks out of 11.25 or do they give marks out of 15 and later they are reduced proportionately?*
    2. *What is the marks distribution of 3 questions asked in Phase 2 paper 2 legal descriptive exam allotted to candidate named Vaibhav Bansal bearing roll no. 2101000xxx? In other words, how many marks were allotted for each question separately*
        (a) for question related to depositories,
        (b) for question related to LLPs, and
        (c) for question related to comparison between old and new criminal laws?"

3. **Reply of the Respondent** – The respondent, in response to query no. 1 in the application, stated that the query is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of RTI Act.

With regard to query no. 2, the respondent stated that the online examination for recruitment of SEBI Grade A Officer is conducted by Institute of Banking Personnel Selection (IBPS - which is an autonomous body) within the terms of MoU as per which only IBPS is in possession of copies of evaluated descriptive answers, which is not shared with SEBI. Hence, the same is not available with SEBI. Nevertheless, respondent informed that the relevant information pertaining to SEBI Recruitment Exercise 2025 has been published on SEBI website. The respondent also provided the link for accessing the marks obtained by candidates in Phase II examination and interview.

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. With regard to query no. 1, I concur with the response of the respondent that the query is in the nature of seeking clarification/opinion from the respondent. 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 or opinion 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 regard to query no. 2, I note that the respondent has categorically stated that the descriptive answers are not shared by IBPS, which is an autonomous body, with SEBI. I note that the respondent can only provide information that is available in the records. I find that as SEBI do not have access to the information sought, no information could be given. In this context, I note that the Hon'ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that *"The RTI Act provides access to all information that is available and existing. This is clear from a combined reading*

of section 3 and the definitions of `information' and `right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant." 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.

RUCHI CHOJER
Digitally signed by RUCHI CHOJER
Date: 2026.11.12 11:39:24 +05'30'

Place: Mumbai
Date: November 12, 2026

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