

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

Appeal No. 6472 of 2025

Nitin Goradia : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated June 10, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 30, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00169) dated July 02, 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. **Query in the application** - The appellant, in his application dated June 10, 2025, sought the following information:

“ Once I have proof of misconduct and corruption against a Deputy General Manager of SEBI, for example XXXXXX what is the formal procedure to file a complaint against her ? Please give what are the steps to file complaint and what actions will be taken against her for the same.”
3. **Reply of the Respondent** –The respondent, in response to query in the application, 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. Notwithstanding the aforesaid, the respondent provided information for lodging misconduct and corruption complaint against employee of SEBI.
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. On consideration, I concur with the response of the respondent that the appellant's application is in the nature of seeking clarification/opinion from the respondent on hypothetical query. 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, I note that the Hon'ble Central Information Commission, in the matter of *Parvinder Singh vs. Public Information Officer under RTI* (Order dated July 19, 2021), 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.*" Accordingly, I do not find any deficiency in the response of the respondent.

6. I also note that appellant in his application has raised presumptive query regarding conduct of SEBI employees. It is noted that the appellant had previously filed 7 RTI applications (bearing Reg. No. SEBIH/R/E/25/00657, Reg. No. SEBIH/R/E/25/00658 both dated May 27, 2025, Reg. no. SEBIH/R/E/25/00647, Reg. No. SEBIH/R/E/25/00648 both dated May 26, 2025, Reg. No. SEBIH/R/E/25/00781, Reg. No. SEBIH/R/E/25/00782 both dated June 18, 2025 and Reg. No. SEBIH/R/E/25/00737 dated June 11, 2025) with SEBI. It is also noted that the appeals filed against the reply of respondent to the aforementioned applications have been dismissed by the instant forum as no deficiency was found in the response of the respondent. The appellant, vide aforementioned applications, had, *inter alia*, raised allegations against certain officials of SEBI and had sought information regarding procedure for filing complaint against said officials of SEBI. From perusal of the appeals, it is noted that appellant has a grievance against the said officials for their handling of his complaints/representations against his depository participant. In spite of SEBI having an investor grievance redressal portal i.e. SCORES, the appellant had been sending numerous repetitive emails to SEBI officials with regard to his grievance. Thus, I find that the appellant had filed the aforementioned RTI applications and also the present RTI application with SEBI in this context. I am of the view that such repetitive filing of RTI applications amounts to misuse of RTI Act. In this context, I find it pertinent to note that Hon'ble CIC in its decision in *Ramesh Chandra Jain v. Delhi Transport Corporation (DTC), Government of National Capital Territory of Delhi (GoNCT of Delhi)*; (Decision No. CIC/AD/A/2013/001326-SA dated 25.06.2014), observed as follows:

“5. The Commission considers this case as the case of repetitive use of RTI Act, assuming the proportion of harassment to the Public Authority and thus, abuse of RTI Act, by a disgruntled employee.

6. The respondent officers made fervent appeals to the Commission that they were compelled to spend most of the time in answering harassingly repeated questions about the same subject matter repeatedly asked from different angles; and about individual officers, whom, the applicant assumed to be responsible for the grievance. The Commission found that the applicant was one of the four disgruntled employees against whom action was taken or their claims were denied.....”

7. I also note that in the matter of *Public Information Officer, Registrar (Administration) vs. B. Bharathi.*, (Order dated 17.09.2014 in W.P. No. 26781/2013), the Hon'ble High Court of Madras held as under-

“... The action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications; that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of time and resource of any public authority, as it would be against the larger public interest...” The Hon'ble CIC, in the matter of *Samir Sardana vs. CPIO, Mormugao Port Trust* (order dated March 01, 2021) also referred to the said observations made by the Hon'ble High Court, while dismissing the appeal.

8. Further, Hon'ble CIC, in the matter of *Ajay Gupta v. PIO and others* (order dated February 25, 2021) observed that *“Before parting with these Second Appeals/ Complaint, the Commission observes that the Appellant has resorted to filing multiple RTI applications on issues which essentially pertain to his personal grievance. Even if the Commission were to reluctantly acknowledge that this is an attempt on the Appellant's part to fight corruption, the means adopted by him stifles and defeats the very purpose of the RTI Act. As much as a CPIO has a statutory responsibility of complying with the provisions of the RTI Act, it is also expected of the RTI Applicant/s to not undermine the spirit of the RTI Act by clogging the system with such a barrage of RTI applications, merely claiming that these are aimed at combatting corruption.”*

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.

Place: Mumbai

Date: July 29, 2025

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