

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

Appeal No. 5838 of 2023

Geeta Khattar : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated September 22, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated October 13, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00228) dated October 23, 2023. 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. **Requests in the application** - The appellant, vide her application dated September 22, 2023 sought the following information:

- “1. Provide the steps by following the same I may send a case to the Executive Director, SEBI in the SEBI's online portal SCORES.*
- 2. Provide a CERTIFIED COPY of the Action Taken Report or Order issued by Mr. Anand Rajeshwar Bainwar, Executive Director, SEBI under the case received by him on June 18, 2023. (A copy of the said dated email is attached herewith)*
- 3. Provide a PHOTOCOPY / PHOTOCOPIES OF THE GROUND against which SEBI has classified Geeta Khattar as a chronic complainant.*
- 4. Provide a copy of the Order where SEBI has classified Geeta Khattar as a chronic complainant. SEE THE REMARK UNDER CPGRAMS CASE NO. PMOPG/E/2023/.....69 & PMOPG/E/2023/.....68 GIVEN BY SEBI.*
- 5. A copy of the Action History of CPGRAMS application is provided to SEBI the number of times i.e. NOT available on the CPGRAMS online portal, further, furnish a copy of the Action History under the following ten 2 CPGRAMS applications that have been dealt with by the SEBI. PMOPG/E/2023/.....69 & PMOPG/E/2023/.....68”*

3. **Reply of the Respondent** The respondent provided the following response to the aforesaid application of the appellant:

In response to the request 1, the respondent informed that the complaint handling mechanism at Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”) is a collective affair, in which officers of different levels contribute. SCORES is an online platform designed to help investors to lodge their complaints. The respondent also advised the appellant to refer to frequently asked question (FAQs) No.7 on scores website and provided the link to access the same.

In response to the request 2, the respondent informed that as per available records, there is no Action taken report or order by SEBI.

In response to the request 3, the respondent informed that the request sought has been replied multiple times and that the appellant may refer to the earlier replies of the respondent.

In response to requests 4 and 5, the respondent informed that the information and status with regards to CPGRAMS cases may be obtained from CPGRAMS website.

4. **Ground of appeal** - The appellant has filed the appeal on the ground that information provided was incomplete, misleading or false information.
5. **Request No. 1** - I have perused the request and the response provided thereto. On consideration, I find that the request of the appellant is in the nature of seeking clarification/guidance from the respondent regarding lodging of complaint to the Executive Director, SEBI using the SCORES website. I note that the respondent is not supposed to create information; or to interpret information; or to furnish clarification/guidance to the appellant under the ambit of the RTI Act. Notwithstanding the same, I note that the respondent has appropriately guided the appellant to refer to the relevant FAQs on scores website. In my opinion the request has been adequately addressed by the respondent. Accordingly, I do not find any deficiency in the response. 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), *inter alia* held: “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”

6. **Request no. 2** - With respect to request no. 2, I note that the respondent has categorically stated that as per the available records, there is no Action Taken Report or order by SEBI pertaining to the appellant's letter dated June 18, 2023 sent to Executive Director, SEBI. On consideration, I do not find any reason to disbelieve the said response. In this regard, I note that the respondent in her appeal, has *inter alia* requested to provide reason/s against which neither Action Taken Report nor Order has been passed by SEBI. I note that this information is being sought for the first time. Hence, the appellant is now seeking new information pertaining to her request. As held by the Hon'ble Central Information Commission (hereinafter referred to as "CIC") in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Notwithstanding the above, I find that request in the appeal appear to be interrogative in nature. In my opinion, the CPIO is not supposed to provide clarification/ explanation; or to interpret information; or to provide response to interrogative queries under the ambit of the RTI Act. In this context, I note that the Hon'ble CIC, in the matter of *Laxman Prasad Kayal vs. CPIO, State Bank of India* (Order dated June 20, 2023) held that "9. The Commission based on a perusal of the facts on record finds that the dissatisfaction of the Appellant with the reply provided by the CPIO is bereft of merit as the RTI Application merely seeks for clarifications and answers to interrogative queries. It appears that the Appellant is harbouring a grievance and is not seeking access to information as envisaged under the RTI Act." In view of these observations, I find that the said request in the appeal, cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Accordingly, no further intervention is warranted at this stage.
7. **Request no. 3** - With regard to request no. 3, I concur with the response of the respondent. I note that the said request pertaining to appellant being classified as a chronic complainant by SEBI has been raised multiple times by the appellant and the respondent has repeatedly provided her the relevant information in this regard through various letters, including letters dated August 23, 2022 (Respondent's reply to RTI application no. SEBIH/R/E/22/01162 dated 29/07/2022) and February 02, 2023 (Respondent's reply to RTI application no. SEBIH/R/E/23/00091 dated 23/01/2023). The appellant, in her appeal, has *inter alia* stated that RTI application, even if repetitive, has to be responded to. In this regard, from the information available on the RTI Portal, I note that the appellant has filed numerous applications under the RTI Act seeking information with respect to complaints filed by her in various government portals. The aforesaid applications are then followed by numerous appeals filed by the appellant with this forum through the online RTI Portal. I am constrained to state that the appellant has been filing complaints and then following up the same with multiple applications/ appeals on the RTI Portal. I note that most of the applications are repetitive in nature. Further, I note that the Hon'ble CIC, in the matter of *Geeta Khattar vs. CPIO, SEBI* (order dated December

22, 2022) observed that “*The Commission observed that the complainant has been filing multiple RTI applications against the same public authority on the similar queries. The same was decided by the Commission on 06.12.2022 vide File No. CIC/SEBIH/C/2021/640243 and CIC/SEBIE/A/2021/653859. It is also noted that the complainant neither appears during the hearings before the Commission nor receives the postal notices of the Commission. Needless to say, such multiplicity of frivolous RTI applications and appeals arising thereof are clogging the system of the Commission as well as of the public authorities. The Commission placed reliance on the decision of Shail Sabni vs. Sanjeev Kumar & Ors. [W.P. (C) 845/2014], wherein the Hon’ble High Court of Delhi observed:*

“.....Consequently, this Court deems it appropriate to refuse to exercise its writ jurisdiction. Accordingly, present petition is dismissed. This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this “sunshine Act”. A beneficial Statute, when made a tool for mischief and abuse must be checked in accordance with law.”. In view of the above, I find that no further intervention of this forum is warranted at this stage.

8. **Request nos. 4** - With regard to request no. 4, I note that the appellant has sought copy of SEBI order classifying her as a chronic complainant. I note that said request is also repetitive in nature and the respondent had earlier vide letter dated August 23, 2022 (reply to RTI application no. SEBIH/R/E/22/01162 dated 29/07/2022) informed the appellant that SEBI does not issue order while classifying complaints as chronic. The respondent had further informed that the appellant may refer to FAQs number 40 and 41 as available on SCORES website for information on chronic complainant. In view of the above, I find that no further intervention of this forum is warranted at this stage.
9. **Request nos. 5** – The appellant, vide request no. 5, has *inter alia* sought copies of action taken history of her CPGRAMS applications, as the same are not available on the portal. In my view, the respondent was obliged to ascertain availability of the requested information with SEBI and whether the same may be provided to the appellant in accordance with the provisions of the RTI Act. On consideration, I find that the request has not been adequately addressed. Accordingly, it would be appropriate to remit the application for reconsideration.
10. Considering the above observations, I remit the application to the respondent for *de novo* consideration of request nos. 5 and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.

11. The Appeal is accordingly disposed of.

Place: Mumbai

Date: November 17, 2023

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