

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

Appeal No. 5661 of 2023

Pritam Bhattacharya	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 08, 2023 (received by SEBI on January 16, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 09, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated March 18, 2023 (received by the Office of Appellate Authority on April 21, 2023).
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated February 09, 2023. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on April 21, 2023. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I am considering the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.
4. **Queries in the application-** The appellant, in his application dated January 08, 2023, *inter alia*, sought the certified copy of the order dated March 02, 2022 passed by the Hon’ble Securities Appellate Tribunal (SAT) in Appeal No. 166/18 and 485/18 in the matter of *Prayag Infotech Hi Rise Ltd. vs. SEBI*.

5. The respondent, in response to the application, provided the digitally signed copy of the order dated March 02, 2023 passed by the Hon'ble SAT, as downloaded from the website of the said Tribunal. The respondent also stated that Hon'ble SAT is the originator of the said document. The respondent guided the appellant to approach the Registry of the Hon'ble SAT for getting the certified copies.
6. **Ground of appeal-** The appellant, in his appeal, *inter alia*, requested to provide the certified copy of the information sought in his application. The appellant has not made any specific submission regarding the response provided by the respondent.
7. I have perused the query and the response provided thereto. I note that the respondent has provided copy of the order dated March 02, 2023 passed by the Hon'ble SAT in the matter of *Prayag Infotech Hi Rise Ltd. vs. SEBI*. With respect to the request regarding certified copy of the order, the respondent has denied to provide the same since the Hon'ble SAT is the originator of the said order. In this matter, the Hon'ble SAT is the original holder/originator of the said order. In this regard, I note that the Hon'ble CIC, in the matter of *Rajeev Agarwal vs. State Bank of India* (Order dated April 06, 2016) held that “13.4 *The Commission observes that information sought by appellant is a letter issued by another public authority i.e. Revenue Department, which is the original holder/originator of information. The appellant should have sought this information from the CPIO of Revenue Department, which is the "concerned" public authority in this case in terms of section 6(1) of the RTI Act. Nonetheless, as the respondents had already provided this information to appellant earlier in response to another RTI application of his, no further disclosure is needed with regard to the present request for information. The appeal is disposed of.*” I note that the respondent has adequately guided the appellant to approach the Registrar of the Hon'ble SAT. In view of these observations, I do not find any deficiency in the response.
8. 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: May 15, 2023

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