

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

Appeal No. 6154 of 2024

Senthilkumar G	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 20 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated September 05, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00214) dated September 12, 2024. 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. **Ground of appeal** - On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, has raised dissatisfaction only with respect to the replies to queries 1 and 2 of his application.
3. **Request in the application** - The appellant, vide his request nos. 1 & 2 of the application dated August 20, 2024 sought the following information:

"1. Confirmation of Attachment Status:

- *Confirm whether there is any attachment of property related to Sahara Prime City Ltd.'s project in Coimbatore, specifically the 112.14 acres of land in Saravanampatti Village, Coimbatore North, Tamil Nadu.*
- *If any attachment exists, provide details of the extent of the land attached, the relevant Supreme Court orders, and the specific properties involved, including SF numbers and document details.*

2. Details of Sale or Transaction Documents:

- *Confirm whether any sale deed or title documents related to the Sahara Prime City Ltd. project have been deposited with SEBI.*
- *If applicable, provide details and copies of these documents, including specific land parcels described in "Schedule A."*

4. **Reply of the Respondent** - The respondent, in response to queries 1 & 2 of the application, informed that SEBI had issued attachment Orders dated February 13, 2013 attaching the assets and bank accounts of two entities of Sahara Group i.e. Sahara India Real Estate Corporation Limited (SIRECL) and Sahara

Housing Investment Corporation Limited (SHICL) and provided the links for accessing the same. The respondent also informed that pursuant to various Supreme Court Orders, Saharas have submitted title deeds for various properties including the properties situated at Coimbatore, measuring total area of 12.28 Acres. With respect to query related to copies of said title deeds, the respondent informed that same is available to SEBI in fiduciary capacity and there is no larger public interest involved in disclosure of the said information, hence, the same is exempt u/s 8(1)(e) of the RTI Act.

5. I have perused the aforesaid request and the response provided thereto. With regard to query 1 of the application, I note that Hon'ble Supreme Court has passed an order dated September 04, 2024 in the matter of *SEBI v Subrata Roy Sahara and Ors & Ors in I.A. Nos. 99284/2021 and 99712/2021*. However, I find that the same has not been included in the reply of the respondent. Hence, I find that the respondent has not adequately addressed the said request and the same warrants reconsideration.
6. With regard to the query 2 of the application, I concur with the reply of respondent that title deeds are held by respondent in a fiduciary capacity. In the context of non-disclosure of information under Section 8(1)(e) of the RTI Act, 2005, the decision of the Hon'ble Supreme Court of India in *Institute of Chartered Accountants of India Vs. Shaunak H. Satya and Ors.*, in Civil Appeal No. 7571 of 2011- (decided on September 02, 2011), is referred to, wherein it was held that: "...In other words, anything given and taken in confidence expecting confidentiality to be maintained will be information available to a person in fiduciary relationship". I, therefore, find that the requested information is exempt from disclosure under section 8(1)(e) of the RTI Act. Accordingly, I do not find any deficiency in the response of the respondent.
7. Considering the above observations, I remit the application to the respondent for *de novo* consideration of query 1 of the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
8. The Appeal is accordingly disposed of.

Place: Mumbai

Date: October 09, 2024

RUCHI CHOJER

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