

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

Appeal No. 4703 of 2022

Audi Suresh Babu	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 03, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated February 28, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated March 07, 2022. I have carefully considered 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. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. On perusal of the appeal, it appears that the appellant is not satisfied with the response provided to query numbers 1, 2, 4, 5, 7, 8, 19 and 20. In view of the submissions made by the appellant in his appeal, I am only dealing with the said queries and the response provided by the respondent, in the following paragraphs.
3. **Query number 1-** The appellant, vide query number 1, sought information regarding dealing officer, Action Taken Report and remarks with respect to 21 complaints filed with SEBI. The appellant sought the information in a particular format along with necessary supported documents.
4. The respondent, in response to the aforesaid query, informed that the information sought can be viewed by the appellant by logging in SCORES and by clicking 'View Complaint Status' under 'Investor corner' on the homepage. The appellant was advised to log in by providing the complaint registration number which was allotted to him at the time of registration of his complaint. The appellant, in his appeal, *inter alia*, submitted that the suggested SCORE complaint system does not dispose of the grievances in a fair manner. Further, the appellant has requested that the respondent may be instructed to provide the information along with certified copies.

5. I have perused the query and the response provided by the respondent. I note that the appellant was clearly informed that the complainant can access the requested information after logging into the SCORES portal. It is understood that all the complaints which are lodged in the SCORES system, the related correspondence, Action History etc., can be accessed online on SCORES portal under the tab “View Complaint Status” by providing the complaint registration number and password, which is allotted at the time of registering the complaint. I note that the respondent has guided the appellant to access the requested information. Accordingly, the query is adequately addressed. Therefore, I do not find any deficiency in the response.
6. Further, on perusal of the submission made in the appeal, it appears that the appellant has grievance with respect to disposal/handling of complaints by SEBI. I note that the Hon’ble CIC, in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012), held: “The Appellant is informed that ... redressal of grievance does not fall within the ambit of the RTI Act rather it is up to the Appellant to approach the correct grievance redressal forum...”. In view of these observations, I find that if the appellant has any grievance, the remedy for the same would not lie under the provisions of the RTI Act. Accordingly, the submissions of the appellant do not warrant consideration at this stage.
7. **Query numbers 2 and 4-** The appellant, vide query number 2, sought “*details of permission granted dates and office address to M/s Surya Shakti Securities (P) Ltd (Later renamed as M/s Surya Shakti India Financial (P) Ltd) allowed as broker to trade in equities. SEBI Registration number: INB231145732.*” The appellant, vide query number 4, sought information regarding the change of address submitted by the stock broker M/s Surya Shakti Securities (P) Ltd (Later renamed as M/s Surya Shakti India financial (P) Ltd).
8. In response to the query number 2, the respondent informed that Surya Shakti India Financial Pvt. Ltd. was registered with SEBI as Stock Broker bearing registration no. INB231145732 in equities segment at NSE w.e.f November 28, 2000 and that the said registration number was surrendered to SEBI w.e.f. November 24, 2020. The respondent also provided the details of addresses of Surya Shakti India Financial Pvt. Ltd., as available with SEBI. The respondent, in response to query number 4, provided the details of addresses of Surya Shakti India Financial Pvt. Ltd., as per the available information. The appellant, in his appeal, *inter alia*, submitted that the information with respect to query number 2 was provided in a very negligent manner and that the office working period was not provided. With respect to the information provided in response to query number 4, the appellant in his appeal, requested to

provide “*information from which period to which period the CPIO specified office premises conducted stock broker operations from 28.11.2000 to 24.11.2020 to as per the SEBI records.*”

9. On perusal of the query and the response provided by the respondent, I find that the respondent has provided the information sought by the appellant vide query numbers 2 and 4 of his application. I do not find any deficiency in the response.
10. Further, I note that the appellant, in his appeal, *inter alia*, sought information regarding time period during which the office premises were used by Surya Shakti India Financial Pvt. Ltd. I find that this request was raised by the appellant for the first time in this appeal. As held by the Hon’ble 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. Accordingly, I find that the said request does not warrant consideration at this stage.
11. **Query number 5-** The appellant, vide query number 5, sought the inspection reports of M/s Surya Shakti Securities Pvt. Ltd. (Later renamed as M/s Surya Shakti India financial (P) Ltd) by SEBI from time to time and details of fine imposed on the company.
12. The respondent, in response to the aforesaid query, informed that the query is vague and not specific and accordingly, the same cannot be construed as seeking “information” as defined under Section 2(f) of the RTI Act. However, the respondent informed that no inspection of M/s Surya Shakti Securities Pvt. Ltd. has been conducted by SEBI since the year 2018-19. The respondent also informed that information regarding any regulatory action taken by SEBI would be available on the SEBI website, which is in public domain. The respondent also provided the link/path for accessing the relevant webpage on the SEBI website. The appellant, in his appeal, submitted that he had sought information about an inspection conducted by SEBI from November 28, 2000 to November 24, 2020 in the premises of Stock Broker whose registration No. is: INB231145732.
13. I have perused the query and the response provided by the respondent. In the first part of query number 5, I note that the appellant has specifically sought inspection reports of M/s Surya Shakti Securities Pvt. Ltd., conducted by SEBI from time to time. Upon a consideration of the respondent’s aforementioned response in light of the query, I am of the opinion that 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. Therefore, the respondent shall reconsider the query pertaining to inspection reports and provide an appropriate response.

14. With respect to the query pertaining to “fine imposed on the company”, I note that the respondent has guided the appellant to access the information available on the SEBI website. Further, I note that no specific submission has been made in this regard by the appellant in his appeal. Accordingly, no further intervention is warranted at this stage.
15. **Query number 7-** The appellant, vide query number 7, sought the following information-
- “7. Please provide the information, the details of stock broker M/s Surya Shakti Securities (P) Ltd (Later renamed as Surya Shakti India financial (P) Ltd) surrounded his license as stock broker and withdrawn of collateral securities of mortgage of funds”.*
16. The respondent, in response to the aforesaid query, informed that the registrations of Surya Shakti India Financial Pvt. Ltd. as Stock Broker bearing registration nos. INB231145732 and INF231145732 were surrendered to SEBI w.e.f. November 24, 2020. The appellant, in his appeal, requested to direct the respondent to provide the details of collateral submitted to office of SEBI and withdrawn.
17. I have perused the query raised by the appellant. On consideration, I find that the same is vague and not specific. Further, it is difficult to ascertain what exact information has been sought by the appellant. In this context, I note that in the matter of *Sbri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (Decision dated August 30, 2012), the Hon’ble CIC held: “*Since the Appellant had not clearly stated what exact information he wanted, the CPIO could not have provided any specific information to him. We would like to advise the Appellant that he might like to specify the exact information he wants from the SEBI and prefer a fresh application before the CPIO.*” I find that the appellant’s query 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.
18. Further, I note that the appellant, in his appeal, *inter alia*, sought information regarding details of collateral submitted to office of SEBI and withdrawn. I find that this request was raised by the appellant for the first time in this appeal. As held by the Hon’ble 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. Accordingly, I find that the said request does not warrant consideration at this stage.
19. **Query number 8-** The appellant, vide query number 8, sought the following information-
- “8. Please provide the information the action taken report or clarification on the E-mail send to your office on 23.12.2021 and 24.12.2021.”*

20. The respondent, in response to the aforesaid query, observed that the query is vague and not specific and accordingly, the same cannot be construed as seeking “information” under Section 2(f) of the RTI Act. The appellant, in his appeal, *inter alia*, submitted that he wrote emails to two specific SEBI email addresses. The appellant also requested this forum to inquire into the matter and direct the CPIO in securing the information that the person responsible for failing to take action in the subject matter was negligent in handling the mails.
21. I have perused the query of the appellant. On consideration, I agree with the observation of the respondent that the query is vague and not specific. Further, it is difficult to ascertain what exact information is sought by the appellant. In view of the judgement discussed at paragraph 17 supra, I do not find any deficiency in the response provided by the respondent.
22. Further, I note that the appellant, in his appeal, requested to direct the respondent in securing the information that the person responsible for failing to take action in the subject matter was negligent in handling the mails. In this regard, I note that in the matter of *Shri Matloob Ahmed v. Delhi Police, East District* (Decision dated January 11, 2013), the Hon'ble CIC held: "*The R.T.I. Act cannot be used to make the respondent to do certain things or to take certain action.*" In view of these observations, I find that the said submission of the appellant does not warrant consideration of this forum.
23. **Query number 19-** The appellant, vide query number 19, sought the following information-
“19. Please provide the information or report submitted details by NSE to your office regarding the SEBI Rules and regulation violated by the broker M/s Surya Shakti India financial (P) Ltd and PSSG Capital (P) Ltd and subsequent action details from SEBI.”
24. The respondent, in response to the aforesaid query submitted that the information sought by the appellant is not available with SEBI. The appellant, in his appeal, alleged suppression of information by the respondent.
25. I have perused the query and the response provided by the respondent. I do not find any reason to disbelieve the observation that the information sought by the appellant is not available with SEBI. In this context, I note that the Hon'ble CIC, in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: “... *if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given.*” In view of these observations, I find that the information sought by the appellant was not available with SEBI and

therefore, the respondent cannot be obliged to provide such non-available information. Accordingly, I do not find any deficiency in the response.

26. **Query number 20-** The appellant, vide query number 20, sought the following information-

“20. Please provide the information the qualification, experience details of Branch manager along with branch expenses of SEBI, Vijayawada office on month wise manner.”

27. The respondent, in response to the aforesaid query, informed that name of the officer and the Division Chief posted at SEBI's Vijayawada Local Office and their contact details are already in the public domain on SEBI website. Further, the respondent provided the link for accessing the same. The respondent also informed that qualification and other details of the officer relates to personal information and disclosure may cause unwarranted invasion of privacy of individual. Hence, the requested information is exempted from disclosure under Section 8(1)(j) of the SEBI Act. Further, the respondent observed that the query regarding branch expenses is vague and not specific as no specific period has been mentioned. Accordingly, the same cannot be construed as seeking “information” as defined under Section 2(f) of the RTI Act.

28. I have perused the query and the response provided by the respondent. I note that the respondent has adequately addressed the query by guiding the appellant to access the details regarding name and contact information of the Division Chief posted at SEBI's Vijayawada Local office. I note that the same is also available in the public domain.

29. Further, I agree with the respondent that the information pertaining to qualification and other details of the officer is exempt from disclosure under Section 8(1)(j) of the RTI Act as the same pertains to personal information, disclosure of which may cause unwarranted invasion of privacy of individual. In this regard, I note that the Hon'ble Supreme Court, in the matter of *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal* (order dated November 13, 2019 passed in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010) observed that “ 59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal

information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive..." Further, I note that the relevant disclosures under Section 4(1)(b) of the RTI Act, about pay and allowances of SEBI officers, have been made on the SEBI website. In view of these observations, I do not find any deficiency in the response.

30. With respect to the query regarding branch expenses, I find that the same is vague and not specific. Accordingly, I do not find any deficiency in the response.
31. I note that the appellant, in his appeal, made certain allegations against the SEBI officer posted at Vijayawada office. In view of the judgement discussed at paragraph 6 supra, I find that if the appellant has any grievance, the remedy for the same would not lie under the provisions of the RTI Act.
32. Further, the appellant, in his appeal, submitted that the respondent has not provided the First Appellate Authority's mail ID and contact details. On perusal of the response dated February 28, 2022, I note that the respondent has provided the relevant details of the Appellate Authority for filing appeal. Accordingly, I do not find any merit in the submission of the appellant.
33. Considering the above observations, I remit the matter to the respondent for *de novo* consideration of the query number 5 pertaining to inspection reports and to send appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
34. The Appeal is accordingly disposed of.

Place: Mumbai

Date: April 04, 2022

S V MURALI DHAR RAO
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA