

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

Appeal Nos. 5947 and 5948 of 2024

Advocate V.K. Sharma	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed two applications (Reg. Nos. SEBIH/R/E/24/00168 and SEBIH/R/E/24/00169), both dated February 22, 2024 (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 March 06, 2024 responded to the aforesaid applications. In regard to the aforesaid applications, the appellant filed appeals (Reg. Nos. [SEBIH/A/E/24/00043](#) and [SEBIH/A/E/24/00044](#)), both dated March 06, 2024. It is observed that both the aforesaid applications are identical. I have carefully considered the applications, the response and the appeals and find that the matter can be decided based on the material available on record.
2. **Requests in the application** - The appellant, vide his aforesaid applications dated February 22, 2024, *inter alia*, sought information regarding correspondences, notices, replies, etc. pertaining to certain entities involved in the matter of DS Capital Venture Pvt. Ltd., wherein orders dated December 29, 2022 and January 10, 2023 were passed by Whole Time Member, SEBI and Adjudication Officer, SEBI, respectively.
3. **Reply of the Respondent** - The respondent, in response to the application, informed that the information sought does not pertain to the appellant and the same relates to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion in to the privacy of individual and may also endanger the life or physical safety of the person(s). Accordingly, the same is exempt in terms of section 8(1)(g) and 8(1)(j) of the RTI Act.
4. **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, *inter alia*, submitted that he is not a third party to the matter as he is an advocate and is seeking the information under RTI on behalf of his

client, Ms. Deepali Sharma, who is one of the entities/noticee in the matter of DS Capital Venture Pvt. Ltd.

5. I have perused the documents available on record and I find no infirmity in the denial of the information by the respondent under Section 8(1)(j) of the RTI Act, as it relates to various third parties and disclosure of the same may cause unwarranted invasion of their privacy. Similar observations were made by the Hon'ble Central Information Commission in the matter of *Ajit Kumar vs. CPIO, Union Public Service Commission* (order dated June 17, 2021). In the said matter, the Hon'ble CIC also relied on a judgment of 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) wherein the import of "personal information" envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in the matter(s) of *Canara Bank Vs. C.S. Shyam* in Civil Appeal No. 22 of 2009; *Girish Ramchandra Deshpande vs. Central Information Commissioner & Ors.*, MANU/SC/0816/2012: (2013) 1 SCC 212 and *R.K. Jain vs. Union of India & Anr.*, MANU/SC/0384/2013 : (2013) 14 SCC 794. In the said matter, the Hon'ble Supreme held 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 appellant, in his appeal, has *inter alia* submitted that he is not a third party as he is representing his client, Ms. Deepali Sharma, who is one of the entities/noticee in the matter of DS Capital Venture Pvt. Ltd. In this regard, I note that the information sought in the instant application pertains to other entities in the said matter, hence, the aforesaid submissions of the appellant do not hold good. In view of the same, I find that the requested information is exempt from disclosure under section 8(1)(j) of the RTI Act. Accordingly, I do not find any deficiency in the response of the respondent.

6. 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: April 4, 2024

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