

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

Appeal No. 6235 of 2024

Amar Patil	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 23, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 21, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00280) dated November 15, 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. **Request in the application** - The appellant, vide his application dated September 23, 2024, sought the following information:

“ 1) All the information in any form from SEBI officers: bithin Mahanta, Amrita Shukla, and Harsh Chaudhary for ignoring the violations by kotak securities of Sebis regulatory circular guidelines reported in my sebi scores complaint

2) All documentation or communication regarding the decision not to investigate the conciliatory calls.

3) All records related to the investigation process undertaken by SEBI concerning my complaint.

This information is crucial for understanding potential corruption or misconduct by the mentioned SEBI officers: bithin Mahanta, Amrita Shukla, and Harsh Chaudhary. As per the RTI Act, public sector bodies are obligated to provide information that promotes transparency and accountability. As this is the matter of corruption at SEBI any refusal to provide this information on any grounds is a punishable offense under the RTI Act.

Also, I request the following information as per RTI Act, 2005 :-

If the conciliatory calls are investigated by sebi then i ask the sebi to provide all those investigated conciliatory calls which are generated in my complaint at sebi scores platform on June 20 and June 21, 2024 with complaint number SEBIE/MH24/KOLH/009007/1 as per RTI Act, 2005”

3. **Reply of the Respondent** - The respondent, in response to query no. 1 in the application, informed that the appellant's query is not clear and specific. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act. However, respondent also informed that SCORES provides an audit trail of the complaint and related records. The respondent in this regard further informed that the information/records pertaining to SCORES complaint number SEBIE/MH24/KOLH/009007/1, referred to by the appellant in his application, can be accessed on SCORES.

The respondent in response to query no. 2 informed that the information sought by the appellant is not maintained by SEBI in normal course of regulation of securities market. Hence, the same is not available with SEBI. The respondent also mentioned that the same was also informed to appellant vide letter No. CPIO/BS/913/2024-25 dated August 06, 2024 in response to his RTI application No. SEBIH/R/E/24/00928 dated 31/07/2024.

The respondent in response to query no.3, once again informed that the information/records pertaining to SCORES complaint number SEBIE/MH24/KOLH/009007/1 can be accessed on SCORES.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he has been refused access to the information requested.
5. I have perused the requests and the response provided thereto. With respect to query no. 1 in the application, I concur with the response of the respondent. The query of the appellant is vague and not specific. In this regard, I note that the Hon'ble Central Information Commission (hereinafter referred to as “CIC”) in the matter of *Ms. Sarika Jain vs National Hydroelectric Power Corporation Limited* (order dated April 25, 2014) held that “As regards the first part i.e. copies of all documents in relation to the contracts mentioned in the RTI application, the Commission finds that the term "all" used by the Appellant here is very vague and does not pin point the particular document she wants to obtain from the Respondents. The Appellant is, therefore, advised to be more specific and identify the documents she wants to obtain from the Respondents ...”. Accordingly, I do not find any deficiency in the response of the respondent.

6. With respect to query no. 2 in the application, I note that the respondent has categorically stated that the requested information 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.*”. Hence, I do not find any deficiency in the response of the respondent.
7. With respect to query no.3 in the application, I find that the respondent has adequately addressed the said query by providing the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
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: December 10, 2024

RUCHI CHOJER

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