

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

Appeal No. 6350 of 2025

Rahul Jaiswal : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated February 07, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 25, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00064) dated March 24, 2025. 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. **Queries in the application** - The appellant, in his application dated February 07, 2025, sought the following information:
 1. "व्यापारिक सदस्य (Broker)" और "अधिकृत व्यक्ति (Sub-Broker)" के बीच विवाद को देखने के लिए मध्यस्त विभाग का नाम.
 2. इस प्रकार के मामलों को सुलझाने की प्रक्रिया की जानकारी.
 3. व्यापारिक सदस्य (Broker)" और "अधिकृत व्यक्ति (Sub-Broker)" के विवाद की स्थिति में SEBI की विस्त्रुत भूमिका का विवरण, जिससे यह स्पष्ट हो सके, कि "अधिकृत व्यक्ति (Sub-Broker)" के हितों की रक्षा में सेबी की भूमिका.
 4. इस प्रकार के विवाद को सुलझाने के लिए उपलब्ध प्लेटफार्म की जानकारी.
 5. इस मामले से संबंधित SEBI के दिशा-निर्देशों या नियमों की प्रतियां प्रदान करें।
 6. पिछले 5 वर्षों में इस प्रकार के प्राप्त कुल मामलों की जानकारी.

3. **Reply of the Respondent** - The respondent, in response to query nos. 1, 2 and 5 in the application, informed that the queries have already been replied vide letter no. CPIO/BS/2073/2024-25 dated February 04, 2025.

The respondent, in response to query nos. 3 and 4, informed that SEBI master circular dated August 09, 2024 for Stock Brokers SEBI/HO/MIRSD/MIRSD-PoD-1/P/CIR/2024/110 contains provisions related to authorized persons and the same can be accessed on SEBI website. The respondent also provided the links for accessing the same. Further, respondent informed that authorized persons fall under the purview of exchanges and accordingly, guidelines issued by respective exchanges may be referred.

The respondent, in response to query no. 6, informed that the information sought by the appellant is not maintained by SEBI in normal course of regulation of securities market and hence, the same is not available with SEBI. Notwithstanding the aforesaid, the respondent also informed that the complaints against any registered intermediary is publicly available on its website as the disclosure of the same is mandated by SEBI.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. On perusal of the materials available on record, I note that with respect to query nos. 1, 2 and 5 in the application, similar requests have been made by the applicant in his earlier RTI application (Reg. No. SEBIH/R/E/25/00132) dated January 22, 2025, for which the respondent had already provided the reply vide his letter dated February 04, 2025. Hence, I find that the said requests are repetitive in nature. In the context of filing repetitive requests under RTI Act, the Hon'ble Central Information Commission (hereinafter referred to as **"CIC"**) in the matter of *Sbri Ramesh Chand Jain vs. Delhi Transport Corporation, GNCTD, Delhi* (File No. CIC/AD/A/2013/001326–SA decided on June 25, 2014) held that *"The universal principles of civil justice also recognized 'constructive res judicata', which in the RTI context means when an applicant uses an opportunity of obtaining information on a particular subject as per law, he is expected to seek all the related information in that first ever opportunity itself. He cannot file another application for a bit or piece which he forgot to ask, or not advised by his lawyer, or for any other reason. He should ask all possible aspects of information about that subject matter, in the first ever available opportunity. Even if he does not, it is presumed by law that he asked for that and was refused after due trial..... Thus, once information is given, applicant shall not seek the same once again in the guise of different form or language. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their*

time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI applications will amount to clogging the office of public authority and CPIO would be justified in refusing the same with intimation of reasons. Because the repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office". Accordingly, I do not find any deficiency in the response of the respondent.

6. With regard to query nos. 3 and 4, I find that the said queries are in the nature of seeking clarification/opinion. I find that the said queries cannot be construed as seeking 'information' as defined under section 2(f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, Hon'ble CIC observed that "*7. The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/ opinion/ advice/ confirmation/ clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/ opinions/ advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him.*" Notwithstanding the aforesaid, I find that the respondent has provided the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
7. With regard to query no. 6, I note that the respondent has categorically stated that information sought by the appellant is not maintained by SEBI in normal course of regulation of securities market and hence, the same is not available with SEBI. I do not have any reason to disbelieve the response of the respondent. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon'ble Central Information Commission 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.*" 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: April 21, 2025

RUCHI CHOJER

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