

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

Appeal No. 5450 of 2022

Divya Prakash Rai	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 05, 2022 (received by SEBI on August 17, 2021) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 09, 2022 responded to the application filed by the appellant. The appellant filed an appeal dated September 27, 2022 (received by the Office of Appellate Authority on October 04, 2022). 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. **Grounds of Appeal** – On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent with respect to query numbers 1, 2, 4 and 7. In view of the submissions made by the appellant in his appeal, I am only dealing with the said queries and the response provided thereto, in the following paragraphs.
3. **Query numbers 1 and 2-** The appellant, in query number 1, *inter alia*, referred to his complaint dated April 09, 2022 pertaining to the SHICL/SIRECL. The appellant also sought the attested copy of the covering letter forwarded by SEBI along with the action order instructions and remarks. Vide query number 2, the appellant stated that the complaint sent to Prime Minister/Finance Minister/Law Minister/ Director SEBI north New Delhi, was forwarded to SEBI headquarters. With respect to the same, the appellant sought the attested copy of the covering letter forwarded by SEBI along with action taken/instructions given/remarks made by the General Manager / Director / Concerned Officer.
4. The respondent, in response to the aforesaid queries, provided the copy of the letter dated July 05, 2022 addressed to the appellant. The appellant, in his appeal, submitted that the information provided as annexure should have been given in Hindi.

5. I have perused the queries and the response provided thereto. I note that the respondent has provided the copy of the letter dated July 05, 2022 forwarded by SEBI in response to the appellant's letters referred to in query numbers 1 and 2. On consideration, I find that the respondent's response dated September 09, 2022 with respect to the application has been provided in Hindi. Further, the annexure to the response dated September 09, 2022 has been provided in the form and language available with the respondent. In my view, the aforesaid queries have been adequately addressed by the respondent and no further intervention is warranted at this stage.
6. **Query number 3-** The appellant, vide query number 3, *inter alia*, sought the case number of the matter related to SHICL and SIRECL which is pending before the Hon'ble Supreme Court. The appellant also sought the next hearing dates up to the days of giving information.
7. The respondent, in response to the aforesaid queries, informed that Civil Appeal Nos. 9813 and 9833 of 2011 has been filed in the matter of *SEBI vs. Sabara India Real Estate Corporation Limited and Sabara Housing Investment Corporation Limited*. The respondent also informed that the appeal number has been mentioned in the order of the Hon'ble Supreme Court, which is placed on the SEBI website. Further, the respondent informed that the original Interlocutory Application dated October 21, 2021 is available with the Hon'ble Supreme Court as a primary holder. The respondent also informed that SEBI is not obliged to provide the requested information sought by the appellant as SEBI is not the original holder of the same as per section 2(j) of the RTI Act. The appellant, in his appeal, *inter alia*, submitted that the date of hearings have not been provided by the respondent. The appellant also referred to para 2(f) of the letter dated July 05, 2022 and submitted that the respondent did not provide a copy of the interlocutory application dated October 21, 2021 filed by SEBI.
8. I have perused the first part of query number 3 and the response provided thereto. I note that appellant has provided the case number in the matter of *SEBI vs. Sabara India Real Estate Corporation Limited and Sabara Housing Investment Corporation Limited*. Accordingly, I do not find any deficiency in the response.
9. With respect to the second part of the query number 3 pertaining to the date of hearings in the said matter, I find that the respondent has neither provided the requested information nor explained the reason why the same is not provided. Therefore, the respondent shall reconsider the request and provide an appropriate response thereon.

10. Further, with respect to third part of query number 3, I agree with the response of the respondent that SEBI is not the primary holder of the Interlocutory Application dated October 21, 2021. Hence, the respondent did not have an obligation to provide the information under the RTI Act. Accordingly, I do not find any deficiency in the response.
11. **Query number 7-** The appellant, vide query number 7, *inter alia*, sought the mobile number, whatsapp, twitter and email ids of the Public Information Officer and the First Appellate Authority of SEBI.
12. The respondent, in response to the aforesaid query, provided the link for accessing the contact details of the Public Information Officer and First Appellate Authority, which are available on the SEBI website. The appellant, in his appeal, requested to provide the mobile number and whatsapp numbers of the said authorities.
13. On consideration, I find that the respondent has adequately addressed the query by guiding the appellant to access the requisite disclosures made by SEBI with respect to the contact details of the Public Information Officer and First Appellate Authority. Further, I note that the requested information is available in the public domain. Accordingly, no further intervention is warranted at this stage.
14. Further, the appellant, in his appeal, requested to take necessary action against the respondent under Sections 19(8)(a), 19(8)(b), 20(1) and (2) of the RTI Act. In this regard, I note that as per Section 19(8)(a), 19(8)(b), 20(1) and 20(2) of the RTI Act, the Central Information Commission or the State Information Commission has the power to require the public authority to take any such steps as necessary, require the public authority to compensate the complainant, impose a penalty or recommend disciplinary action against the Central Public Information Officer or the State Public Information Officer, while deciding on a complaint or a second appeal. Hence, I find that this request is beyond the purview of the First Appellate Authority. Accordingly, the same does not warrant consideration at this stage.
15. In view of above observations, I remit the application to the respondent for reconsidering the second part of query number 3 pertaining to the date of hearings and to provide a revised response within 15 working days from the date of receipt of this order.

16. The Appeal is accordingly disposed of.

Place: Mumbai

Date: November 04, 2022

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