

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

Appeal No. 4903 of 2022

Babul Kumar Rautray	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 01, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated March 23, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated April 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. **Queries in the application** –The appellant, vide his application dated March 01, 2022, sought the following information:

“The complaint regarding fraud company temple research fraud of 880000/- the case is unresolved by police of Bhopal. it is requested that copy of document sent to stf Bhopal from sebi office Indore be forwarded me for re-fir in home town.”
3. The respondent, in response to the aforesaid query, informed that the information sought by the appellant regarding copy of letters sent by SEBI to Special Task Force (STF), is exempt from disclosure under Section 8(1)(e) of the RTI Act as the same is held by SEBI in fiduciary capacity and is confidential in nature.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused.
5. I have perused the query and the response provided thereto. On consideration, I agree with the observation of the respondent that the requested information pertaining to correspondence between SEBI and STF, is confidential and contains information which is held by SEBI in fiduciary capacity. In this context, the Hon’ble Supreme Court, in the matter of *Institute of Chartered Accountants of India Vs.*

Shaunak H. Satya and Ors.), in Civil Appeal NO. 7571 of 2011- dated 02/09/2011 was referred to, wherein it was held that:

".....Therefore the exemption under Section 8(1)(e) is available not only in regard to information that is held by a public authority (in this case the examining body) in a fiduciary capacity, but also to any information that is given or made available by a public authority to anyone else for being held in a fiduciary relationship. In other words, anything given and taken in confidence expecting confidentiality to be maintained will be information available to a person in fiduciary relationship". In view of the these observations, I do not find any deficiency in the response.

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: May 04, 2022

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