

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

Appeal No. 5594 of 2023

Pratyush Ranjan	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 16, 2022 (received by SEBI on December 17, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 27, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated February 14, 2023 (received by the Office of Appellate Authority on February 17, 2023).
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated December 27, 2022. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on February 17, 2023. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I am considering the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.
4. **Queries raised in the application** – The appellant, in his application dated December 16, 2022, referred to the reply of CPIO dated November 29, 2022 bearing no. CPIO/M/2919/2022, wherein it was stated that the property viz. United -21 Retreat Lonavala, (10,114 sq. mtrs. Land and 33834 sq.ft. constructed area) Survey No. 163/2, Next to Zalewadi Sanatorium, Old Mumbai Pune National Highway, Village Tungarli, Taluka Maval, Lonavala, Maharashtra 410 401)(said Property), proposed to be

auctioned on October 24, 2018 by SEBI, was not sold and the same has not been sold till date. The appellant also stated that a resort named and styled as ARON Resort, run by one Mr. Anil Vadgama, is doing business at the said property. The appellant sought the documents giving rights to Mr. Anil Vadgama to run Aron Resort at the said property which was attached by SEBI. The appellant also sought copy of all agreements, property card, all mutation entry, all orders, all approvals in the matter.

5. The respondent, in response to the application, informed that SEBI has no information regarding giving any rights to Mr. Anil Vadgama to run the Aron Resort. With respect to the queries related to copies of agreements etc., the respondent informed that the requested information is exempt from disclosure under section 8(1)(e) and 8(1)(j) of the RTI Act as the same is available to SEBI in fiduciary capacity and relates to personal information, the disclosure of which has no relationships to any public activity or interest and may cause unwarranted invasion into the privacy of the individual.
6. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the appellant. The appellant, in his appeal, submitted that the abovementioned property was never auctioned by SEBI. The appellant also queried how Mr. Anil Vadgama was running a resort on the said property without any documentation.
7. I have perused the queries and the response provided thereto. With respect to the query regarding documents giving rights to Mr. Anil Vadgama to run Aron Resort, I note that the respondent has clearly stated that no such information is available with SEBI. I find that the respondent has adequately addressed the query by providing information as per available records. Accordingly, I do not find any deficiency in the response.
8. With respect to the query seeking copy of all agreements, property card, all mutation entry, orders and approvals, I note that the respondent denied the information under section 8(1)(e) and 8(1)(j) of the RTI Act. In my opinion, providing the requested information would reveal personal information pertaining to third parties. Further, I note that the appellant has not established larger public interest in the extant matter. In this context, reference is made to the judgment of the Hon'ble Supreme Court of India in the matter of *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal* in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010 (judgement dated November 13, 2019) wherein the import of "personal information" envisaged under Section 8(1)(j) of RTI Act has been discussed in the context of earlier ratios laid down by the same Court in other matter(s). The Hon'ble Supreme Court 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..." Based on the aforesaid discussions, I am of the opinion that the respondent was right in claiming exemption under section 8(1)(j) of the RTI Act. Accordingly, no further intervention is warranted at this stage.

9. Further, the appellant, in his appeal, submitted that the said property was never auctioned by SEBI. The appellant, *inter alia*, queried how Mr. Anil Vadgama was running a resort on the said property without any documentation. I find that this query was raised for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said request does not warrant consideration at this stage.
10. 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: February 24, 2023

A SUNIL KUMAR
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA