

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

Appeal No. 5605 of 2023

ESDS Software Solution Ltd.	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. An application dated January 11, 2023 (received by SEBI on January 12, 2023) was filed by Shri Aftab Memon on behalf of ESDS Software Solutions Ltd., under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 24, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated February 22, 2023 (received by the Office of Appellate Authority on February 24, 2023). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Ground 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 number 3. In view of the submissions made by the appellant in his appeal, I am only dealing with the said query and the response provided thereto, in this order.
3. **Query number 3-** The appellant, vide query number 3, sought the following information:

“3. Please provide information related to total payment and payment details made to RIGVED TECHNOLOGIES PRIVATE LIMITED under Tender/RfP issued by the SEBI for Annual Maintenance Contract for IMSS-DWBIS Project in the year 2019. Provide invoice raised by RIGVED TECHNOLOGIES and ledger account of payment made thereunder.”
4. The respondent, in response to the aforesaid query, informed that the requested information is exempt from disclosure under section 8(1)(d) and 8(1)(e) of the RTI Act, 2005. Further, the respondent informed that the requested information includes confidential information which is commercial in nature and the disclosure of the same would hamper the competitive position of a third party. The respondent also informed that the information is available to SEBI in fiduciary capacity. In

addition to the same, the respondent informed that the information relates to third party and that consent was sought from the third party. However, the third party does not wish to divulge the information sought by the appellant. The appellant, in his appeal, *inter alia*, submitted that the respondent had mechanically denied to share the requested information on flimsy and illegal grounds.

5. I have perused the query and the response provided thereto. I note that the appellant has sought information regarding payment made to third party (Rigveda Technologies) in the year 2019. The appellant also sought copy of invoice raised by the third party. On perusal of the material available on record, I note that the third party's consent was sought with respect to disclosure of the requested information. Further, the said third party does not wish to divulge the requested information. The respondent also mentioned that the requested information is confidential in nature and the disclosure of the same would harm the competitive position of the third party. In view of these observations, I am of the opinion that the procedure prescribed under Section 11 of the RTI Act regarding third party information, has been followed by the respondent before concluding that the requested information cannot be disclosed. I note that the proviso to Section 11 of the Act also specifies that disclosure of trade or commercial secrets, which are protected by law, would not be allowed unless their disclosure is necessary in public interest. From the appeal, I find that the appellant has not established any element of larger public interest in disclosure of the requested information. Accordingly, I do not find any deficiency in the response.
6. Further, on perusal of the appeal, it appears that the appellant has grievance regarding reimbursement of payment from Rigveda Technologies Ltd. The appellant has also alleged non-payment of dues by Rigveda Technologies Ltd. I note that the Hon'ble CIC, in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012), held: "*The Appellant is informed that ... redressal of grievance does not fall within the ambit of the RTI Act rather it is up to the Appellant to approach the correct grievance redressal forum...*". In view of these observations, I find that if the appellant has any grievance, the remedy for the same would not lie under the provisions of the RTI Act.

7. 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: March 20, 2023

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