

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

Appeal No. 5787 of 2023

Nisheet Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/E/23/00711) dated July 20, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 11, 2023, responded to the application filed by the appellant. The appellant filed an appeal on August 28, 2023 (received by the Office of Appellate Authority on August 28, 2023) by email. I note that as per the FAQs published on the website of CIC, a request under Section 6(1) of the RTI Act can be made in writing to the CPIO and it may also be filed electronically at <https://rtionline.gov.in>. I note that there is no mandate of accepting applications/ appeals by emails under the RTI Act. I note that the appellant was guided accordingly by the respondent vide his response dated August 11, 2023. Notwithstanding the same, this appeal is being taken up for consideration and disposal today.
2. **Queries in the application-** The appellant, vide his application dated July 20, 2023, *inter alia*, sought “action and affirmative response” from SEBI with respect to certain allegations made against Credit Suisse regarding banking facility provide to certain entities/individuals during the year 1987-88. The appellant also stated that the Delhi Police EoW has also taken cognizance of the same and sent representation to SEBI.
3. The respondent, in response to the application, informed that the queries are in the nature of seeking action from SEBI. Hence, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act.
4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, vide his appeal, *inter alia*, expressed his dissatisfaction over lack of substantial and satisfactory response from SEBI. The appellant, in his

appeal, *inter alia*, requested to review the details of the case and issue appropriate directives to address the situation effectively.

5. I have perused the application and the response provided thereto. On consideration, I find that the appellant is seeking action from SEBI regarding the allegations mentioned in his application. I agree with the response of respondent. Further, I note that the appellant, in his appeal, *inter alia*, requested to issue appropriate directives with respect to the allegations. In my opinion, the appellant cannot expect the respondent to take certain action under the RTI Act. In this regard, the Hon'ble CIC, in the matter of *Mohan Kumar Sharma vs. CPIO, Prime Minister's Office* (order dated November 26, 2019), held that “7. *In view of the above, the Commission observes that under the RTI Act the CPIO provides information available with him or held by him. Thus, the appellant cannot expect the respondent to take certain action or initiate action as desired by him.*” In view of these observations, I find that the request made by the appellant in the application and the appeal, cannot be construed as seeking “information” under the RTI Act.
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: September 15, 2023

ANAND BAIWAR

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