

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

Appeal No. 5512 of 2022

Appeal No. 5513 of 2022

Appeal No. 5514 of 2022

Appeal No. 5515 of 2022

Appeal No. 5516 of 2022

B. L. Sagar

:

Appellant

Vs

CPIO, SEBI, Mumbai

:

Respondent

ORDER

1. The appellant had filed five applications (Reg. No. SEBIH/R/P/22/01868 dated October 14, 2022; Reg. No. SEBIH/R/P/22/01801 dated September 15, 2022; Reg. No. SEBIH/R/P/22/01834 dated October 02, 2022; Reg. No. SEBIH/R/P/22/01833 dated October 02, 2022; and Reg. no. SEBIH/R/P/22/01901 dated October 02, 2022) under the Right to Information Act, 2005 ("RTI Act"). The respondent, by a common letter dated October 27, 2022, responded to the said applications filed by the appellant. The appellant filed five appeals vide ten letters dated November 12, 2022 (received by the Office of Appellate Authority during the period from November 28, 2022 to December 13, 2022). I note that the appellant has filed multiple copies of the appeals filed against the said applications. I have perused the applications, the response of the respondent and the appeals and find that the matter can be decided based on the material available on record.
2. **Queries in the applications-** The appellant, in all his five applications, *inter alia*, referred to his complaints filed in the year 2018 alleging fraudulent activities/manipulation in commodities market and sought information regarding action taken on his complaints, information on alleged wrongdoers etc. The appellant also sought information regarding the department/ officials dealing with the matter.
3. The respondent, vide a common response to the applications, informed that the appellant had filed several complaints alleging artificial hike in prices in chana futures at NCDEX, on SCORES and PMOPG Portals, which have been dealt with and closed after examination and necessary action. The respondent also informed that the complaints have been responded to on the respective online

platforms and also through physical mode. The respondent also mentioned that the information provided under the categories of price/market manipulation in commodities will be treated as market intelligence and the same shall be treated as confidential. Further, the information would be analysed and if found necessary, further action will be taken. The respondent also informed that the status of information cannot be ascertained as SEBI conducts the investigations confidentially in a holistic manner and that SEBI will neither confirm nor deny the existence of any investigation. The respondent also informed that any regulatory actions taken by SEBI are published on the SEBI website. The respondent also made reference to SEBI's letter dated December 19, 2019, vide which the appellant was informed that future complaints pertaining to the same issue would not be taken on record unless fresh facts were brought to the notice of SEBI. With respect to the appellant's query regarding information on department/officials who dealt with the case, the respondent informed that the same is exempt from disclosure under sections 8(1)(g) and 8(1)(j) of the RTI Act. The respondent also informed that the decision-making at SEBI is a collective affair where officers of different levels contribute and that the decision-making is internal to the functioning of SEBI. Further, the requested information relates to personal information, the disclosure of which has no relation to any public activity or interest and may cause unwarranted invasion into the privacy of the officials and may also endanger the life or physical safety of the person(s).

4. **Ground of appeal-** On perusal of the appeals, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, *inter alia*, requested to provide clear and point-wise information with respect to his queries.
5. I have perused the queries and the response provided thereto. I have perused the application and the response provided thereto. I note that the respondent has clearly informed that the information provided under the categories of price/ market manipulation in commodities will be treated as market intelligence. Further, I note that the respondent has neither confirmed nor denied existence of examination or investigation in the matter under reference and the same is justified where disclosure of existence of investigation or otherwise would itself amount to disclosure of exempted information. I note that SEBI receives alerts and references from various sources and these may or may not result in further action by SEBI such as examination or investigation. Further, such examination or investigation may or may not establish the suspected violations or lead to enforcement actions. Maintaining confidentiality of investigation is important since reports of an investigation may result in unwarranted speculation or concern in the market or may affect evidence collection during the

investigation or may result in unnecessary harm to third parties. Further, I note that information regarding any regulatory action taken by SEBI would be available on the website of SEBI. I also note that the respondent has categorically informed regarding the letters sent by SEBI to the appellant and also regarding the intimation provided with respect to the various complaints filed on the complaint portals. In view of these observations, I find that the respondent has adequately addressed the queries regarding the complaints filed with SEBI and I do not find any deficiency in the response.

6. With respect to the appellant's requests seeking information regarding department/ officials dealing with the complaints, I find that a similar issue was settled by the in *H. E. Rajashekarappa vs. State Public Information Officer and Ors.* (Order dated July 01, 2008), wherein the Hon'ble High Court of Karnataka had ruled that: "... it cannot be said that section 2(f) of the Act (the RTI Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority". Further, I note that the decision-making process in SEBI is a collective affair in which officers at different levels contribute and hence the names of SEBI officials and their designations are internal to the functioning of SEBI and the said information relates to personal information, the disclosure of which has no relation to any public activity. In view of these observations, I find that the information pertaining to department/ officials of SEBI is exempt from disclosure under section 8(1)(j) 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 Appeals are accordingly dismissed.

Place: Mumbai

Date: December 28, 2022

ANAND BAIWAR

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