

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

**Appeal No. 5467 of 2022**

|                           |    |            |
|---------------------------|----|------------|
| Priyansh Jaiprakash Singh | :  | Appellant  |
|                           | Vs |            |
| CPIO, SEBI, Mumbai        | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated July 31, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 10, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00550) dated August 21, 2022 with respect to which an order dated September 21, 2022 (in Appeal No. 5378 of 2022) was passed by this forum, directing the respondent to reconsider query number 1 and third part of query number 2 and provide a revised response. Thereafter, the respondent issued a revised response dated October 07, 2022 with respect to those specific queries. The appellant has now filed an appeal in the form of an application dated October 18, 2022 for initiating necessary action (disciplinary proceedings) against the respondent and other deemed public information officer for non-compliance of the said order dated September 21, 2022. I have carefully considered the RTI application, the revised 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 1 and third part of query number 2. In view of the submissions made by the appellant in his appeal, I am dealing with the said queries and the revised response dated October 07, 2022 provided by the respondent, in this order.
3. **Query number 1-** I note that the appellant, vide query number 1, *inter alia*, sought the status of action taken/direction issued on letter dated July 12, 2022 and email dated July 11, 2022 regarding revaluation/rechecking of his English descriptive paper SEBI Grade A Officer Assistant Manager- legal exam 2022 Phase II.

4. The respondent, in response to the aforesaid query, informed that the matter raised by the appellant with reference to his email dated July 11, 2022 and letter dated July 12, 2022 was examined. It was also informed that similar matter was received from the appellant through complaint No. PMOPG/E/2022/020...6 lodged on the PMOPG portal and that a suitable reply was already sent to the appellant on his email id on August 10, 2022. The respondent also provided copy of the said email sent on August 10, 2022. The appellant, in his appeal, *inter alia*, submitted that he had sent an email dated August 14, 2022 in response to the respondent's email dated August 10, 2022. The appellant also submitted that no response has been sent by the respondent till date with respect to his email dated August 14, 2022. The appellant also stated that the CPIO is under obligation under the RTI Act to help citizen to gain access to information.
5. I have perused the query and the revised response provided thereto. I note that the respondent has clearly mentioned that the appellant's email dated July 11, 2022 and letter dated July 12, 2022 was examined by SEBI. Further, the respondent also pointed out regarding receipt of a similar matter from the appellant through PMOPG portal and issuance of a suitable response dated August 10, 2022. On consideration, I find that the respondent has informed regarding the action taken by SEBI. In my view, the respondent has adequately addressed the query by providing the information available with him. Accordingly, no further intervention is warranted at this stage.
6. Further, I note that the appellant, in his appeal, submitted that no response was sent by the respondent with respect to his email dated August 14, 2022. I find that this point 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 submission does not warrant consideration at this stage.
7. **Third part of Query number 2-** The appellant, vide third part of query number 2, *inter alia*, requested to provide physical inspection of his English descriptive paper Phase II, SEBI Grade A Assistant Manager Legal Exam 2022.
8. The respondent, vide revised response, informed the online examination for recruitment of Officers Grade A was conducted by Institute of Banking Personnel Selection (IBPS), which is an autonomous body, on behalf of SEBI. The respondent also informed that the document/Information for which physical inspection was sought by the appellant, was not shared with SEBI and hence the same was not

available. The appellant, in his appeal, *inter alia*, submitted that IBPS is not an autonomous body constituted under any act.

9. I note that the respondent has informed the appellant about non-availability of the requested information/document with SEBI as the same is not shared with SEBI. In this context, I note that the Hon'ble CIC, in the matter of *Bhavesh Silawat vs CPIO, SEBI* (order dated October 28, 2022), held that *"Since the CPIO categorically stated that they have no access to the answer sheets, it is not possible to provide the same to the appellant. As far as rest of the points are concerned, appropriate replies have been given, and no further action is called for."* In view of the same, no further intervention is warranted.
10. Further, I note that the appellant, in his appeal, requested to initiate disciplinary proceedings and necessary action against the respondent for non-compliance of the order dated September 21, 2022. As examined above, I find that the respondent has provided a revised response in compliance with the order dated September 21, 2022. Further, I note that as per Section 20(1) and 20(2) of the RTI Act, the Central Information Commission or the State Information Commission has the power to impose a penalty or recommend disciplinary action against the Central Public Information Officer or the State Public Information Officer, while deciding on a complaint or a second appeal. Hence, I find that this request is beyond the purview of the First Appellate Authority. Accordingly, the same does not warrant consideration at this stage.
11. 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: November 17, 2022

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