

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

Appeal No. 5777 of 2023

Babu Henry	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 15, 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 14, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00180) dated August 14, 2023. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record.
2. **Queries in the application** –The appellant, vide his application July 15, 2023, sought the status and copy of the investigation report (or similar) with respect to the following:
 1. 199316/2022/vigilance-5 (raised on 19-May2022 and transferred to CVO-SEBI on 23-June-2022)
 2. 199389/2022/vigilance-5 (raised on 20-May-2022 and transferred to CVO-SEBI on 23-June-2022)
 3. 199432/2022/vigilance-5 (raised on 23-May-2022 and transferred to CVO-SEBI on 23-June-2022)
3. The respondent, in response to the aforesaid queries, informed that the queries are in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act, 2005. However, the respondent informed that the said complaints are related to an original complaint that was filed on SEBI Complaints Redress System (SCORES) portal as complaint no. SEBIE/MH21/0012780 dated 08/10/2021 against NSE regarding non-up gradation of study material of certain NCFM modules. It is seen from the SCORES portal that the original complaint no- SEBIE/MH21/0012780 against NSE has been disposed of, since NSE vide email dated November 23, 2021 had already provided clarification to the complaint.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, inter alia, submitted that his questions are not in the nature of seeking clarification / opinion. The appellant also submitted that the SCORES complaint and Vigilance complaint are separate and that the reply provided by the respondent about SCORES is irrelevant.
5. I have perused the query and the response provided thereto. I note that the appellant has specifically sought the status and copy of the investigation report regarding three complaints transferred to CVO-SEBI. references On consideration, I find that the response provided by the respondent does not justify the denial of the requested information on the ground that the same is in the nature of seeking clarification/opinion. In my opinion, the application warrants reconsideration by the respondent.
6. In view of the above observations, I remit the application to the respondent for *de novo* consideration of the application dated July 15, 2023 and for sending appropriate response to the appellant in terms of the RTI Act, within 15 days from the date of receipt of this order.
7. The Appeal is accordingly disposed of.

Place: Mumbai

Date: September 11, 2023

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