

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

Appeal No. 6138 of 2024

Somesh Jha	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 19, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 25, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00200) dated August 30, 2024.
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated July 25, 2024. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on August 30, 2024. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I am considering the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.
4. **Request in the application** - The appellant, vide his request of the application dated July 19, 2024 sought the following information:

"Please provide an electronic copy of all the file notings and correspondences related to the show cause notice dated June 26, 2024 bearing no. SEBI/HO/IVD2/ID2/P/OW/2024/0000020891/1 issued by the Deputy General Manager, Investigations Department at SEBI."

5. **Reply of the Respondent** - The respondent, in response to the application, informed that Show Cause Notice is part of enforcement action taken under the provisions of the SEBI Act, 1992 and regulations framed thereunder. Further, the respondent informed that disclosure of details related to the matter may impede the process of investigation or apprehension or prosecution of offenders, the same is exempted from disclosure in terms of Section 8(1)(h) of the RTI Act, 2005.

Additionally, the respondent informed that post investigation, whenever violations are established, appropriate enforcement actions are taken under the provisions of the SEBI Act, 1992 and Regulations framed thereunder which culminate in the issuance of Orders. The respondent informed that these orders are available in public domain and can be accessed from the SEBI website. The respondent also provided the relevant path to access SEBI orders on the website.

6. **Ground of appeal** - The appellant filed the appeal on the ground that information provided is incomplete, misleading or false information.
7. I have perused the request and the response provided thereto. I note that the enforcement proceedings in the subject matter of the application are ongoing and the same has not reached a logical conclusion. Hence, I concur with the response of the respondent that disclosure of the requested information at this stage may impede the process of process of investigation or apprehension or prosecution of offenders. I note that the appellant, in his appeal, has cited few orders *inter alia* stating that the CPIO has to show how giving the information sought for would hamper the investigation and the ongoing proceedings. Additionally, the appellant has referred to section 10 of the RTI Act, in support of his submissions. In this context, I note that the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") in the matter of *Smt. Pushpa Devi Mohita vs. SEBI* (order dated February 08, 2022), held that " *The Commission observes that the information sought by the appellant is submitted to SEBI which is a quasi-judicial body for examination and the same has not yet reached a logical conclusion, therefore the respondent has denied the information under section 8(1)(b) and as per the said provisions of the RTI Act, such information cannot be provided to the appellant which would impede the process of investigation*". I also note that the Hon'ble CIC, in the matter of *Deepti Maheshwari vs. CPIO, SEBI* (Order dated February 09, 2023), observed that "*The Commission also accepted the submissions advanced by the CPIO qua queries 8, 10 and 11 that since the proceedings were on-going, the disclosure of any information at that juncture may have impeded the process of investigation/ prosecution of offenders. Therefore, the denial u/s 8 (1) (b)*

of the RTI Act, 2005 was upheld.” In view of these observations, I do not find any deficiency in the response. Notwithstanding the above, I note that the respondent has informed the appellant that the enforcement actions culminate in issuance of Orders, which are made available in public domain on SEBI website.

8. 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 25, 2024

RUCHI CHOJER

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