

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

Appeal No. 5963 of 2024

Ranjit Rai Grover : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated February 24, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 05, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00060) dated March 21, 2024. 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. In this appeal, the appellant has made a request for a personal hearing. I have carefully considered the application, the response and the appeal. I note that the nature of the request, the response of the CPIO and the grounds of appeal are self-explanatory and not complex. On the issue of providing an opportunity of hearing by the FAA under RTI Act, a full bench of Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) in *Bombay Stock Exchange Limited vs Securities and Exchange Board of India* (File No. CIC/SM/A/2011/001687) observed that “*It is not practical to lay down an inflexible rule that PIOs and AAs will always offer an opportunity of hearing to the parties, let alone to the 3rd party. They may do so as per their discretion, keeping in view the complexity of legal and factual issues involved, without forgetting that timelines are to be adhered to, being the essence of the Act.*” Therefore, it is noted that there is no specific requirement under the provisions of the RTI Act, of providing a personal hearing by the FAA and that the discretion to give hearing to the appellant shall be exercised considering the complexity of the issues involved and the timelines specified under the RTI Act. In this context, reliance is also placed on the decisions of the Hon’ble CIC in the matters of *Mr. Milind Hemant Kotak, Mumbai vs. Canara Bank* (Decision dated April 24,

2008) and *Mr R.K Jain vs. UPSC* (Decision dated March 10, 2014). Therefore, I am of the opinion that the appeal can be decided on the basis of material available on record.

3. **Requests in the application** –The appellant, vide his application dated February 24, 2024, sought the following information:

“I have by My complaint No. SEBIE/JG/0001847/1, dt.20.12.2023 drawn your attention to harassment caused to me by ICICI SECURITIES in holding up closure of my SB Account and Demat account for 2 years on flimsy grounds. I had also complained to you by complaint ICICICARE 022-608-750 RE 000kXaFEPNUSKT4R DT. 24.7.2020 I am sorry to state that you have not attended to my complaint even on reminders dt.3.1.2024 and 24.12.2024 pleading for attention or I will have to resort to RTI to get a reply. I therefore now under the RTI ACT request for information as under:

- 1. What action was taken on my complaint and reminders above.*
- 2. How much compensation has been decided upon for payment?*
- 3. When will NSDL and other charges be refunded.*
- 4. Have you ensured that company now has well defined systems in place to tackle such requests.*
- 5. What is the email id of CEO. Why do mails sent on the id listed in company's web site bounce back. Do you also face similar experience?”*

4. **Reply of the Respondent** - The respondent, in response to request nos. 1 to 5 of the application, informed that the referred complaint no. SEBIE/JG/0001847/1 is not lodged in the SCORES portal. Further, the respondent informed that the information sought are not clear and specific and are in the nature of seeking clarifications. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act, 2005. The respondent also provided information regarding lodging of grievance, if any, on the SCORES portal of Securities and Exchange Board of India (hereinafter referred to as “SEBI”) and tracking the status of the same. The respondent also provided the toll free helpline numbers launched by SEBI to facilitate replies to various queries of the general public on matters related to securities market. Additionally, the appellant was advised to refer to the FAQs on “Investor Grievances- SCORES”, available on the SEBI website and was also provided the link for accessing the same.
5. **Ground of appeal** - The respondent has filed the appeal on the ground that he has been refused access to information requested.
6. I have perused the request, the response provided thereto. On consideration, I agree with the response of the respondent that the request is not clear and specific. I note that the appellant has sought information regarding his complaint no. SEBIE/JG/0001847/1 filed with SEBI. In this regard, the respondent has informed that no such complaint is lodged in the SCORES portal. It is an established law

that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble Central Information Commission (hereinafter referred to as “CIC”) held: “*The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.*” In view of these observations, I find that the request cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act.

7. Notwithstanding the above, I note that the appellant, in his appeal, has expressed difficulty in filing online complaints on SCORES. In this regard, it is pertinent to mention that complaints pertaining to securities market can also be filed with SEBI in physical form by writing to SEBI - Office of Investor Assistance and Education (OIAE) at address SEBI Bhavan, Plot no. C -7, 'G' Block, Bandra Kurla Complex, Bandra (E), Mumbai 400 051. The appellant may be guided by the aforesaid information. Further, I also find it pertinent to mention that SEBI vide Press Release Notice No. 06/2024 dated April 01, 2024 has announced the launch of the new version of SEBI Complaint Redress System (SCORES 2.0). The said new SCORES website can be accessed with the link provided below-

<https://scores.sebi.gov.in/>

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: April 16, 2024

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