

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

Appeal No. 5905 of 2024

Akil	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 11, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 31, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00016) dated February 03, 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. **Request in the application** –The appellant, vide his application dated January 11, 2024, *inter alia*, sought the following information:

“WHY ARE THE RELEASE ORDERS NOT POSTED ONLINE? EVEN AFTER THE STAGED FAKED RIGGED AUCTION

order 21 rule90 Irregularity in the auction procedure Gross undervaluation Predecided buyer to facilitate bribery Rigged Auction. Order 21 Rule 90 of the Code of Civil Procedure, 1908 allows certain parties to apply to set aside an auction sale of immovable property. The parties who can apply include: The decree-holder The purchaser Any other person who is entitled to a share in the distribution of assets Any person whose interests are affected by the sale The application can be made on the grounds of material irregularity or fraud in the conduct of the sale. A judgment debtor can also apply to set aside a sale under Order 21 Rule 90. This can be done in special circumstances, such as when the sale is vitiated by fraud or material irregularity”
3. **Reply of the Respondent** - The respondent in response to the application informed that the request is vague and not specific. Accordingly, the same cannot be construed as “Information”, as defined u/s 2(f) of the RTI Act, 2005.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that information provided was incomplete, misleading or false information.

5. I have perused the requests and the response provided thereto. On consideration, I find that the request pertains to an ongoing recovery proceedings in the matter of SMS Techsoft (India) Ltd. The appellant in his application has *inter alia* sought information regarding as to why the release order in respect to the said recovery proceedings are not posted online by SEBI. On consideration, I agree with the response of the respondent that the request is vague and not specific. 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. Further, I find that the request of the appellant is in the nature of seeking justification and reasons for certain action/non-action of SEBI. Hence, the information sought cannot be construed as "Information", as defined u/s 2(f) of the RTI Act. On the context of seeking reasons for certain action/ non-action, the Hon'ble High Court of Bombay in *Dr. Celsa Pinto, Ex-Officio Joint Secretary (School Education) vs. the Goa State Information Commission* (Judgment dated on 3 April, 2008) held that "*The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.*" Notwithstanding the above, it may be pertinent to mention that a release order is issued only after the recovery is completed. However, it is understood that the recovery proceedings in the matter of SMS Techsoft (India) Ltd are still ongoing.
6. Further, I note that the appellant has sent several emails to this forum in regard to the said appeal. On perusal of the appeal and all the emails in regard to the same, I note that the appellant has mainly complaint about the Recovery Officer, irregularity in the recovery proceedings of the said matter and how the appellant is affected by the said recovery proceedings. The appellant has not made any submissions in regard to the information sought in his RTI application.

7. 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: February 22, 2024

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