

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

Appeal No. 6169 of 2024

Nishaan Shetty	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 05, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 20, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg.No. SEBIH/A/E/24/00224) dated September 20, 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 August 20, 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 September 20, 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 August 05, 2024 sought the following information:

“Kindly provide me department certified copies of the following two documents under Right to Information Act 2005. Ordinary copies of the said documents available with us are annexed for your reference.

a) Certified copy of Letter dated 13 December 2016 (received by SEBI, Mumbai on 13 December 2016) from Omprakash Goenka to Shri Ankit Bhansali, Enforcement Department, SEBI (Mumbai) on the subject Intimation regarding the proposed sale of Equity Shares of Citrus Resorts Bardez Private Limited by Om Prakash Goenka

b) Certified copy of Letter dated 31 March 2017 (SEBI Reference Number EFD/BD/OW/7401/2017) addressed by Bohnimaan Dutta, Assistant Manager, Enforcement Department, SEBI, Mumbai to Mr Omprakash Goenka on the subject NOC from SEBI for sale of shares

Certified copies of the aforementioned documents are required for the purpose of filing in Interim Application No 121069 of 2018 in Civil Appeal No 20971 of 2017 in the Honble Supreme Court of India

Accordingly you are requested to provide copies of the said two documents at the earliest and in any event before expiry of 30 days from the date of the this application”

5. **Reply of the Respondent** - The respondent, in response to queries in the application informed the applicant that since the information sought do not pertain to him and the same relates to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion in to the privacy of the individual and may also endanger the life or physical safety of the person(s). The same is therefore, exempt in terms of section 8(1)(g) and 8(1)(j) of the RTI Act.
6. **Ground of appeal** - The appellant filed the appeal on the ground that he was refused access to information requested.
7. I have perused the aforesaid request and the response provided thereto. I note that the respondent, in his response, has *inter alia* invoked the provisions of Section 8(1)(g) and 8(1)(j) of the RTI Act to deny information to the appellant. In this regard, the appellant has argued that any individual can apply for disclosure of document or information if the information pertains to a course of action taken by a public authority. I note that information sought by the appellant relates to a request received by SEBI from a third party and the action taken by SEBI with respect to the aforesaid request. I am of the view that disclosure of the same may cause unwarranted invasion of their privacy. In this context, reference is made

to the judgment of the Hon'ble Supreme Court of India in the matter of *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal* in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010 (judgement dated November 13, 2019) wherein "personal information" envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in other matter(s). The Hon'ble Supreme Court held that: "59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive..." Further, on perusal of the appeal, I note that the appellant failed to provide any submissions as to how the disclosure of the information is justified by larger public interest. In this context, I note that the Hon'ble High Court of Delhi in the matter of *Municipal Corporation Delhi vs. Rajbir W.P.(C) 13219/2009* and *CM 14393/2009*, decided on 24.8.2017 had held that: "9..... Respondent has not provided any credible justification for seeking information regarding the personal assets of the MCD employee in question.

10. There can be no doubt that the information sought by respondent is personal information concerning an employee of MCD. Such information could be disclosed only if respondent could establish that disclosure of such information was justified by larger public interest." Accordingly, I do not find any deficiency in the response of the respondent.

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: October 16, 2024

RUCHI CHOJER

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