

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

Appeal No.5874 of 2024

Vivek Agarwal	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 25, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 22, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated October 17, 2023, with respect to which an order dated November 08, 2023 (in Appeal No. 5829 of 2023) was passed by this forum, directing the respondent to reconsider the application of the appellant. Thereafter, the respondent issued a letter dated November 23, 2023. The appellant has now filed an appeal dated December 18, 2023 for non-compliance of the said order dated November 08, 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. I note that the appellant in his application dated August 25, 2023 sought the following information regarding SEBI order dated February 28, 2023 in respect of MCX in the matter of Trading in MCX by Sikkim based clients:

“Please inform whether M/s Valley Distributors LLP having PAN- ... is among the 50 Clients as mentioned in above order or Alternatively list of all such 50 Clients may please be provided”
3. The respondent, in response to the application informed that the information sought is in the nature of seeking clarification. Accordingly, the same cannot be construed as “Information” as defined u/s 2(f) of the RTI Act, 2005. The appellant in his appeal dated October 17, 2023, requested that the information may be provided to him as the information sought by him does not have any characteristics of a clarification. I note that this forum, in order dated November 8, 2023 observed that the appellant had sought very specific information in his application and hence, the response of

the respondent does not justify the denial of the requested information on the ground that the same is in the nature of seeking clarification. Accordingly, the application dated August 25, 2023 was remitted to the respondent for reconsideration and for sending appropriate response in terms of the RTI Act.

4. The respondent, in his appeal, has submitted that the order dated November 08, 2023 of this forum, directs the respondent to give list of the 50 clients. However, I note that no such specific direction has been given in the said order. The said order only remits the application to the respondent for *de novo* consideration and sending appropriate response to the appellant in terms of the RTI Act. I also note that the appellant in his application has, *inter alia*, sought to inform whether M/s Valley Distributors LLP is among the 50 Clients as mentioned in the relevant Adjudication Order or alternatively, provide the list of all such 50 Clients. I note that pursuant to order dated October 08, 2023 of this forum, the respondent, vide letter dated November 23, 2023, informed the appellant to refer to pages 3, 4 and 5 of the relevant SEBI order, which is available on SEBI website. The respondent also provided the path to access the said order on SEBI website. On perusal of relevant pages of the said order, I find that the name of M/s Valley Distributors LLP is clearly mentioned in page 5 of the relevant adjudication order as “another two LLP Clients”. Hence, I am of the opinion that the respondent has adequately addressed the application of the appellant.
5. In view of the above observations, I am of the opinion that the respondent had sent an appropriate response to the appellant in compliance with the order dated November 08, 2023. I, therefore, find that nothing survives in the appeal and the same has become infructuous.
6. The Appeal is accordingly dismissed.

Place: Mumbai
Date: January 5, 2024

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