

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

Appeal No. 6248 of 2024

Kanika Kaushik	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 25, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 14, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00290) dated December 07, 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. **Query in the application** - The appellant, vide her application dated October 25, 2024, sought the following information:

“IR, I AM FILING THIS RTI ON BEHALF OF MY CLIENT SAJJAN GUPTA AGAINST HIS COMPLAINT WHICH HE FILED ON 27 AUGUST 2024. HE FILED THE COMPLAINT AGAINST THE FRAUD INTO HIS TRADING ACCOUNT. SAJJAN GUPTA DID HIS TRADING THROUGH A BROKER COMPANY NAMED AS MASTER TRUST. MASTER TRUST DID UNAUTHORIZED TRADE THROUGH HIS ACCOUNT AND MENTALLY HARASS ED HIM AND TORTURED HIM FOR THEIR WRONGFULL GAIN. AGAINST WHICH SAJJAN GUPTA FILED HIS COMPLAINT AT SCORES (WHICH IS A GRIEVANCE/ COMPLAINT FILING SITE AGAINST UNAUTHORISED OR FRADULENT TRADE), WHERE THEY APPOINTED BSE (WHICH IS AN AUTHORITY TAKE 21 DAYS TO INSPECT) TO INVESTIGATE SUCH MATTER AND AGAISNT THIS MASTER TRUST FILED THEIR REPLY WHICH IS FALSE AND FABRICATED, BUT NO ACTION WAS TAKEN AGAINST MASTER TRUST FOR SUCH

MISREPRESENTATION AND AFTER SOME TIME, THEY TRAFERRED THE MATTER TO NSE (AGAIN A PERIOD OF 21 DAYS WAS GIVEN) BUT SINCE THEN TO TILL NOW NO SOLUTION OR POSITIVE OUTCOME WAS COME TILL TODAY . EVEN, WHEN I TRIED TO COLLECT INFORMATION ABOUT SUCH MALPRACTICE THEN I GOT TO KNOW THAT IT WAS ROUTINE BUSINESS OF MASTER TRUST. HENCE THROUGH THIS RTI I WOULD I LIKE TO THE STATUS OF COMPLAINT THAT IS PENDING TO THE FORUM I.E., SCORES AND THE FURTHER PROCEEDINGS THAT ARE GOING TO TAKE PLACE AGAINST THE COMPLAINT.”

3. **Reply of the Respondent** - The respondent, in response to query in the application, informed that the information sought by the appellant does not pertain to her. However, respondent also informed that as the complaint is registered in SCORES, the status of the complaint including the ATR may be viewed by the complainant in SCORES Portal by signing into his account using the User ID set by him while registering on SCORES or by entering registered mobile number or by entering registered e-mail ID.
4. **Ground of appeal** – On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the application and the response provided thereto. On consideration, I find that the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
6. Further, on perusal of the appeal, it appears that the appellant has filed the application on behalf of her client, for the redressal of grievance of such client. In this context, I note that the Hon’ble Central Information Commission (**CIC**), in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012), held: “*The Appellant is informed that ... redressal of grievance does not fall within the ambit of the RTI Act rather it is up to the Appellant to approach the correct grievance redressal forum...*”. In view of these observations, I find that if the appellant’s client has any grievance, the remedy for the same would not lie under the provisions of the RTI Act. Further, with regard to filing of applications and appeals under the RTI Act by applicants on behalf of their clients, I note that the Hon’ble Madras High Court (Madurai Bench) in *N. Saravanan vs The Chief Commissioner/ 2nd Appellate Authority & Ors. [W. P. (MD) 4336 of 2017]* has observed that “*The first respondent dismissed the appeal on the premise that the petitioner being a practising advocate cannot seek information relating to the cases instituted by him on behalf of his client. As a citizen he can personally ask for information but not as an advocate on behalf of his*

client. The reasoning given by the first respondent cannot be faulted at all. The second appeal filed by the petitioner has been rightly rejected, as otherwise, every practising advocate would invoke the provisions of the R.T.I. Act for getting information on behalf of his client, which situation does not advance the objects of the scheme of the R.T.I. Act. The laudable objects of the R.T.I. Act cannot be used for personal ends and should not become a tool in the hands of the advocate for seeking all kinds of information in order to promote his practise.” Considering the above observations, I am of the view that filing of the present appeal by an advocate, on behalf of her client, may be considered as a sufficient ground for its rejection.

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: December 31, 2024

RUCHI CHOJER

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