

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

Appeal No. 5985 of 2024

Bajirao Dattatray : Appellant
Malode

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated March 15, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 08, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00078) dated April 11, 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. **Requests in the application** - The appellant, vide his application dated March 15, 2024, sought the following information:
 1. *“Attached 2 complaintS application with this RTI WITH INWARD NO D-8/ D-9 DT 29/2/2024 AT sebi mumbai i want daily progress report on what action has been taken on my complaint application attach with this rti. and many mails regarding the same issue .to concern officers”*
 2. *“que no -2. sebi complaint no SEBIE/MH24/00...40/1 AND SEBIE/MH23/0...92/1 What action has been taken on my comlaint kindly give daily progress report”*
 3. *“que no 3 - to see or inspect document regarding above mention application”*
3. **Reply of the Respondent** – The respondent, in response to requests nos. 1 and 2 of the application, informed that the complaints/letters referred to in the RTI application were in the nature of giving suggestions, which have been noted for further action, if any, as deemed appropriate. Accordingly, the same cannot be construed as “Information”, as defined u/s 2(f) of the RTI Act. Further, the respondent informed that SCORES platform is for complaint/grievance handling. 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.

In response to request no. 3 of the application, the respondent informed that information sought is not applicable in view of the reply to request nos. 1 and 2 above.

4. **Ground of appeal** - The respondent has filed the appeal on the ground that the information provided is incomplete, misleading or false information.
5. I have perused the requests and the response provided thereto. I note that the appellant, in his application, has sought information pertaining to his letters and complaints filed with SEBI. I note that the respondent has informed the appellant that the said letters and complaints mentioned in his application are in the nature of giving suggestions, which have been noted for further action, if any, as deemed appropriate. Accordingly, the respondent informed that the information sought cannot be construed as “information” as, defined u/s 2(f) of the RTI Act. On consideration, I find that the respondent has adequately addressed the request of the appellant by providing the information available with him. Further, I concur with the response of the respondent that the information sought are in the nature of suggestions and seeking action from SEBI. In this context, the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”), in the matter of *Mohan Kumar Sharma vs. CPIO, Prime Minister’s Office* (order dated November 26, 2019), held that “7. In view of the above, the Commission observes that under the RTI Act the CPIO provides information available with him or held by him. Thus, the appellant cannot expect the respondent to take certain action or initiate action as desired by him.” Accordingly, I do not find any deficiency in the response of the respondent.
6. 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: May 6, 2024

B RAJENDRAN

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