

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

Appeal No. 5658 of 2023

B. L. Sagar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 03, 2023 (received by SEBI on January 07, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). Thereafter, the appellant filed an appeal dated March 27, 2023 (received by SEBI on April 17, 2023).
2. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is aggrieved by non-receipt of the requested information within the time specified under section 7(1) of the RTI Act. The appellant, in his appeal, *inter alia*, requested to provide clear and point-wise information with respect to a complaint letter dated November 18, 2019. The appellant also requested to impose penalty of Rs. 250/- or Rs. 500/- on the respondent for not furnishing the information within the specified time.
3. I note that under Section 19(1) of the RTI Act, an aggrieved person who, does not receive a decision within the time specified in subsection (1) or clause (a) of sub-section (3) of section 7, may within thirty days from the expiry of such period, prefer an appeal. In the instant case, the application was received by SEBI on January 07, 2023. The appellant, therefore, should have filed the first appeal within thirty days from the expiry of such period as mentioned above. 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. Notwithstanding the same, 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. I note that the aforesaid application was received by SEBI on January 07, 2023. From the available records, it is observed that a response was issued by the respondent on February 06, 2023. The said response was forwarded to the appellant vide Registered Post and the same was confirmed to be delivered on February 15, 2023. A copy of the response dated February 06, 2023 is enclosed with this order.
5. I find that the respondent has provided his reply to the application within the time stipulated under the RTI Act. I, therefore, find that nothing survives in the appeal and the same has become infructuous. It is, however, open for the appellant to file a fresh appeal as per law, if he is not satisfied with the reply provided by the respondent.
6. Further, on perusal of the appeal, it appears that the appellant requested to initiate penal action against the respondent under Section 20 of the RTI Act. In this regard, I note that as per Section 20(1) and 20(2) of the RTI Act, the Central Information Commission or the State Information Commission has the powers to impose a penalty or recommend disciplinary action against the Central Public Information Officer or the State Public Information Officer, while deciding on a complaint or a second appeal. Hence, I find that this request is beyond the purview of the First Appellate Authority, SEBI.
7. The Appeal is accordingly disposed of.

Place: Mumbai
Date: May 11, 2023

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