

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

Appeal No. 6407 of 2025

Sunil Rathi : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated May 07, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 26, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00109) dated May 27, 2025. 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. **Queries in the application** - The appellant, in his application dated May 07, 2025, sought the following information:

“1) Copy of complaint of date June 2024 against Gensol This is confirmed in SEBI order WTM/AB/CFID/CFIDSEC1/31379/2025-26 para 10 ---- SEBI received a complaint in June 2024, relating to manipulation of share price and diversion of funds from GEL and thereafter, started examining the matter.

2) Name of SEBI officer who examined

3) Detailed and step wise description of examination conducted

4) Copy of statements, submissions, documents, and replies received during the course of examination and all the notices, summons, or letters issued by SEBI for examination

5) Complaint disposal / closure reasons and order

6) *What steps are taken against the SEBI officer for not investigating the Gensol Engineering Ltd case properly in June 2024*

7) *Why the said SEBI officer is not prosecuted as an accomplice in Gensol case”*

3. **Reply of the Respondent** –The respondent, in response to query nos.1, 3, 4 and 5 in the application, informed that the subject matter of his application is under examination/investigation and has not reached a logical conclusion. In view of the same, disclosure of details related to the matter may impede the process of investigation or apprehension or prosecution of offenders and the same is exempt from disclosure in terms of Section 8(1)(h) of the RTI Act.

The respondent, in response to query no. 2, informed that the information sought relates to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the officials and may also endanger the life or physical safety of the person(s). The respondent therefore, informed that the same is exempt in terms of sections 8(1)(g) and 8(1)(j) of the RTI Act.

The respondent, in response to query nos. 6 and 7 informed that the information is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to the information requested. The respondent, in his appeal, has contended that as the interim order dated April 15, 2025, which is in public domain, contain details of SEBI's documents and investigation, information sought vide query nos.1, 3, 4 and 5 cannot be denied under section 8(1)(h) of the RTI Act.
5. I have perused the application and the response provided thereto. On consideration, I note that the respondent has clearly informed that the examination/investigation in the matter are ongoing and the same have not reached a logical conclusion. Thus, I agree with the response of the respondent that disclosure of the requested information at this stage may impede the process of investigation or apprehension or prosecution of offenders. In this context, I note that the Hon'ble Central Information Commission (**CIC**), in the matter of *Smt. Pushpa Devi Mohita vs. SEBI* (order dated February 08, 2022), held that " *The Commission observes that the information sought by the appellant is submitted to SEBI which is a quasi-judicial body for examination and the same has not yet reached a logical conclusion, therefore the respondent has denied the information under section 8(1)(b) and as per the said provisions of the RTI Act, such information cannot be provided to the appellant which would impede the*

process of investigation.....In view of the above ratio, the Commission is of the opinion that the CPIO has rightly denied the information sought under Section 8(1)(b) of the RTI Act as the forensic audit report is still pending and final decision is yet to be passed by the competent authority, therefore the said denial of information is being upheld by the Commission.” I also note that the Hon’ble CIC, in the matter of *Deepti Maheshwari vs. CPIO, SEBI* (Order dated February 09, 2023), observed that *“The Commission also accepted the submissions advanced by the CPIO qua queries 8, 10 and 11 that since the proceedings were on-going, the disclosure of any information at that juncture may have impeded the process of investigation/ prosecution of offenders. Therefore, the denial u/s 8 (1) (b) of the RTI Act, 2005 was upheld.”* In view of these observations, I do not find any deficiency in the response.

6. With regard to query no. 2, I find that the information about the name of SEBI officer relates to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety to the person. In this regard, I note that the Hon’ble CIC in the matter of *Prerit Misra vs. CPIO, SEBI* (order dated November 21, 2022) held that- *“It is pertinent to mention here that the appellant in a similar case which was dealt in File no. CIC/SEBIE/A/2019/660770 dated 10.08.2021 whereby he had sought information regarding the names of the officers who had blocked his email address, the Commission, while passing an order had held that such information is exempted u/s 8(1)(g) & 8(1)(j) of the RTI Act. The Commission after considering the submissions of the appellant finds no merit in his case, and also is in agreement with the order of the FAA and concludes that the information is exempt u/s 8(1)(g) & 8(1)(j) of the RTI Act, hence, no relief can be given.”* In view of these observations, I find that the requested information is exempt from disclosure under sections 8(1)(g) and 8(1)(j) of the RTI Act.
7. With regard to query nos. 6 and 7, I find that the said queries are interrogative in nature. CPIO is not supposed to provide clarification/ explanation; or to interpret information; or to provide response to interrogative queries under the ambit of the RTI Act. In this context, I note that the Hon’ble CIC, in the matter of *Laxman Prasad Kayal vs. CPIO, State Bank of India* (Order dated June 20, 2023) held that *“9. The Commission based on a perusal of the facts on record finds that the dissatisfaction of the Appellant with the reply provided by the CPIO is bereft of merit as the RTI Application merely seeks for clarifications and answers to interrogative queries. It appears that the Appellant is harbouring a grievance and is not seeking access to information as envisaged under the RTI Act.”* In view of these observations, I find that the said queries cannot be construed as seeking ‘information’ as defined under section 2 (f) of the RTI Act. 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: June 20, 2025

RUCHI CHOJER

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