

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

Appeal No. 5173 of 2022

Arvind Kumar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 02, 2021 (received by SEBI on December 07, 2021) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 29, 2021, responded to the application filed by the appellant. The appellant filed an appeal dated July 08, 2022 (received by the Office of Appellate Authority on July 13, 2022).
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated December 29, 2021. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on July 13, 2022. 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 find this appeal time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I have considered 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. **Queries in the application-** The appellant, vide seven queries in his application dated December 02, 2021, *inter alia*, sought information with respect to his application dated March 30, 2021 filed with SEBI regarding refund in the matter of Saharyan Universal Multipurpose Society Limited.

5. The respondent, in response to the aforesaid queries, informed that Saharayn Universal Multipurpose Society Limited is registered under the Multi State Cooperative Societies Act, 2002 and falls under the regulatory ambit of Ministry of Agriculture & Farmers Welfare, Government of India. The respondent also informed that the appellant's refund application was forwarded to the concerned ministry vide letter dated May 19, 2021 and a copy of the said letter was also marked to the appellant for intimation. The respondent also provided copy of the said forwarding letter along with his response dated December 29, 2021.
6. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, *inter alia*, submitted that the information provided by the respondent was incomplete and not satisfactory. The appellant also requested to take action under sections 20(1) and 20(2) against the concerned officer.
7. On perusal of the application and the response, I note that the respondent has categorically stated that the matter pertaining to Saharayan Universal Multipurpose Society Limited falls under the regulatory ambit of Ministry of Agriculture & Farmers Welfare, Government of India. I note that the matter does not come under the purview of SEBI. Further, I note that the respondent also provided copy of the letter dated May 19, 2021 vide which the appellant's application pertaining to refund in the matter of Saharyan Universal Multipurpose Society Limited was forwarded to the Ministry of Agriculture and Farmers' Welfare, which is the appropriate authority. In my opinion, the respondent has adequately addressed the queries by providing the information available with him. Accordingly, I do not find any deficiency in the response.
8. Further, the appellant, in his appeal, *inter alia*, requested to take action against concerned officer under Section 20(1) and 20(2) of the RTI Act, for not providing pointwise information sought by the appellant. In this regard, I note that as per sections 20(1) and 20(2) of the RTI Act, the Central Information Commission or the State Information Commission has the power to impose 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. Accordingly, the same does not warrant consideration at this stage.

9. In view of the above observations, I find that no further intervention of this forum is warranted. The appeal is accordingly dismissed.

Place: Mumbai

Date: August 02, 2022

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