

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

Appeal No. 6357 of 2025

Adi Shakti Karunakar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 24, 2025 (received by SEBI on February 28, 2025) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 18, 2025, responded to the application filed by the appellant. The appellant filed an appeal dated April 04, 2025 (received by the Office of Appellate Authority on April 08, 2025). I have perused the application, the response of the respondent 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 February 24, 2025, sought the following information:

The appellant has stated that his friend Mr. Jitendra Kushwaha had sent an RTI Letter to SEBI and a response to the same had been provided by SEBI. The appellant has attached a copy of that RTI Letter and the response received from SEBI. He has further stated that in response to query no. 3, 4 and 5 of that letter, SEBI had neither disclosed name of the persons / institutions nor provided relevant documents. The appellant has stated that he has heard that the money deposited in PACL Ltd. company has been misappropriated for anti-national activities by them. The appellant has himself investigated the matter and found the allegations true. In this context, the appellant has sought point-wise reply to the following queries:

1. Is SEBI afraid of disclosing the names of the persons who are helping terrorists?

2. *Does SEBI want to protect the persons who are helping terrorists?*
3. *Does taking action against those who help terrorists fall in the category of national interest or does it fall in the category of immorality?*
4. *Does the Section 8(g) of the RTI Act provides that the names of the enemies hidden in this country should not be revealed?*

3. **Reply of the Respondent** - The respondent, in response to the queries, informed that the queries of the appellant are in the nature of seeking clarification. Accordingly, the same cannot be construed as 'information' as defined u/s 2(f) of RTI Act. Additionally, the respondent informed that the information sought is not available with SEBI. Further, the respondent informed that Justice (Retd.) R. M. Lodha Committee was constituted by an order dated February 02, 2016, passed by the Hon'ble Supreme Court of India and that the same is not a Public Authority within the meaning under section 2(h) of the RTI Act. Hence, the said Committee would not fall within the purview of the said Act. The respondent provided the link for accessing the details of the Committee, for further communication. The respondent also provided the links for accessing the details with respect to Public Notices, Press Releases, Status Report and FAQs etc. related to PACL matter.
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 queries and the response provided thereto. On consideration, I concur with the response of the respondent that the said queries are in the nature of seeking clarification from the respondent. I find that the said request cannot be construed as seeking 'information' as defined under section 2(f) of the RTI Act. In this context, reliance is placed on the matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), wherein, Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") observed that "7. *The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/ opinion/ advice/ confirmation/ clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/ opinions/ advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and*

hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him". Accordingly, I do not find any deficiency in the response of the respondent.

6. Additionally, the respondent, in his response, has mentioned that the requested information is not available with SEBI. I note that the responsibility of disposal of the properties and repayment to investors, is entrusted with the Justice (Retd.) R. M. Lodha Committee (under the Chairmanship of Hon'ble Mr. Justice R.M. Lodha, former Chief Justice of India), which has been constituted, pursuant to the order dated February 2, 2016 of the Hon'ble Supreme Court of India. I also note that the respondent has informed the appellant that the aforesaid committee is not a Public Authority within the meaning under section 2(h) of the RTI Act. Hence, the said Committee would not fall within the purview of the said Act. Further, I note that the Hon'ble CIC in the matter of *Sb. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: "... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given." In view of these observations, I do not find any deficiency in the response.
7. Notwithstanding the above, I note that the respondent has provided the links for accessing the contact details of the Committee, Status Reports, FAQs, Press Releases and Public Notices pertaining to the matter of PACL Ltd., which are already available in the public domain. The appellant may be guided accordingly.
8. Further, I find that instant application and appeal is identical to the RTI application and appeals filed by following persons:

Sl. No.	Name of Appellant	Date of RTI application	Date and Details of Orders of First Appellate Authority (FAA) passed in the matter
1.	Mohammad Hanif	September 04, 2024	Appeal No. 6242 of 2024 dated December 20, 2024
2.	Hansaji I Prajapati	September 02, 2024	Appeal No. 6215 of 2024 dated November 26, 2024
3.	Purshottam Sharma	May 03, 2024	Appeal No. 6059 of 2024 dated July 11, 2024

4.	Shree Ram Sharma	May 03, 2024	Appeal No. 6058 of 2024 dated July 11, 2024
5.	Motilal Khushawa	May 03, 2024	Appeal No. 6058 of 2024 dated July 11, 2024
6.	Seeta Devi	May 03, 2024	Appeal No. 6056 of 2024 dated July 11, 2024
7.	Santosh Khushawa	May 03, 2024	Appeal No. 6055 of 2024 dated July 11, 2024
8.	Vinod Kumar Gupta	May 03, 2024	Appeal No. 6054 of 2024 dated July 11, 2024
9.	Ramakant Prajapati	May 03, 2024	Appeal No. 6053 of 2024 dated July 11, 2024
10.	Santosh Kumar Gupta	May 03, 2024	Appeal No. 6052 of 2024 dated July 11, 2024
11.	Ramparvesh Prajapati	May 03, 2024	Appeal No. 6052 of 2024 dated July 11, 2024

9. From the perusal of the appeals and the applications filed by the above mentioned persons, it is noted that appellant along with the above mentioned persons had been filing identical template like RTI applications and appeals with SEBI and the same appears to have been filed on a coordinated basis. I am of the view that such repeated filing of identical template like RTI applications by different people on a co-ordinated basis amounts to misuse/abuse of RTI Act. In this context, I find it pertinent to place reliance on the decision of the Hon'ble CIC in *Harbans Singh Sabni vs, CPIO, SEBI* (order dated February 7, 2023), has held:

“From the perusal of case records, it is evident that the appellant has filed multiple RTI applications on the similar subject matter to espouse his financial market grievance. The Commission considers the instant case as an apt example

of misuse of the right to information. The Commission opined that filing of repeated frivolous RTI applications undermine the spirit of the RTI Act, 2005.”

The Hon’ble Supreme Court in *CBSE vs. Aditya Bandopadhyay*, (2011) 8SCC 497, with regard to the misuse of the RTI Act had observed:

“ 67. Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information.

..... The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties.”

Further, Hon’ble Delhi High Court in *Shail Sabni vs. Sanjeev kumar and Ors.* [W.P.(C) 845/2014] had observed as follows : *“10. ... This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with; otherwise the public would lose faith and confidence in this “sunshine Act”. A beneficent Statute, when made a tool for mischief and abuse must be checked in accordance with law. “*

10. Notwithstanding above, it may be noted that the orders passed by First Appellate Authority with respect to the first appeals filed by the above mentioned persons are available on SEBI website and hence, is in the public domain. The appellant may be guided by the same.

11. 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 02, 2025

RUCHI CHOJER

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