

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

Appeal No. 5067 of 2022

B Karthiika	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 09, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 04, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated May 19, 2022. 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. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. On perusal of the appeal, it appears that the appellant is not satisfied with query numbers 1 and 3. In view of the submissions made in the appeal, I am only dealing with the said queries and the response provided thereto, in the following paragraphs.
3. **Query number 1-** The appellant, vide his application dated April 09, 2022, sought the following information:

“1. Provide the board decision or decision by competent authority to engage Sr. Adv. Mr. Neeraj Malhotra along with Adv. Abhishek Baid for the second appeal on 21/10/2021 No.CIC/SEBI/A/2020/108638 Dr Subramanian Swamy v CPIO, SEBI.”

4. The respondent, in response to the aforesaid query, informed that the decision to appoint Mr Neeraj Malhotra, Senior Counsel and Mr. Abhishek Baid, Advocate, was made by SEBI in terms of the Delegation of Administrative Functions. The appellant, in his appeal, *inter alia*, submitted that the reply is vague and that he had sought information as to who had authorized to appoint Mr. Neeraj Malhotra, Senior Counsel.

5. On perusal, I find the said query to be vague and not clear. Further, it is difficult to ascertain what exact information is sought by the appellant. Notwithstanding the same, I note that the respondent has informed that the decision to appoint the aforementioned Senior Counsel was made in terms of the Delegation of Administrative Functions. I note that the respondent has provided adequate reply to the above query. Accordingly, I do not find any deficiency in the response.
6. Further, the appellant, in his appeal, had sought information regarding the authority who had authorized to appoint Mr. Neeraj Malhotra, Senior Counsel. I find that this information was not specifically sought by the appellant in his application and that the same was raised by the appellant for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said request does not warrant consideration at this stage.
7. **Query number 3-** The appellant, vide query number 3, sought the following information:

“3. From 2017 to till in how many cases before the Central information commission, the SEBI engaged senior counsels.”

8. In response to the aforesaid query, the respondent informed that the information sought is not readily available and collating the same for providing response to the query would disproportionately divert the resources of the public authority in terms of section 7(9) of the RTI Act, 2005.
9. I have perused the query and the response provided thereto. I note that the requested information is not readily available with the respondent in the manner as sought by the appellant and that the respondent would be required to analyse and collate information which is voluminous in nature. In my opinion, analysing and collating would disproportionately divert the resources of SEBI and would defeat 'the practical regime of right to information' as envisaged in the preamble of the RTI Act. In this regard, I note that the Hon'ble Delhi High Court in the case of *The Registrar Supreme Court of India v. Commodore Lokesh K. Batra & Ors.*, (Order dated January 07, 2016) held that “15. On a combined reading of Section 4(1)(a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, 'right to information' under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which is sought by the applicant.” While relying on the said judgement, the Hon'ble CIC, in the matter of *Bimal Kishore vs. CPIO, State Bank of India* (Order dated March 28, 2018), held that “..... the respondent cannot be asked to collate information in

the manner in which it is sought by the appellant/ complainant. Hence, no further intervention of the Commission is required in the abovementioned matters.” In view of the above observations and applicability of section 7 (9) of the RTI Act, I find that the respondent is not obliged to provide the information sought by the appellant.

10. Notwithstanding the above, I note that the information regarding Counsels/ Senior Counsels appearing on behalf of the parties, is available in the orders passed by the Hon’ble Central Information Commission (CIC). Further, the said orders are uploaded on the website of CIC, which is in the public domain. Accordingly, no further intervention of this forum is warranted
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: June 17, 2022

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