

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

Appeal No. 5270 of 2022

Himanshu Raj	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 10, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 30, 2022 responded to the application filed by the appellant. The appellant filed an appeal dated July 15, 2022 (received by the Office of Appellate Authority on July 20, 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 March 30, 2022. The first appeal has been made after the last date permissible under the RTI Act. The appellant, in his application for condonation of delay, stated that the delay was unintentional and was due to some misunderstanding. Considering the submissions made by the appellant, in his application, the delay in filing the extant appeal is condoned. Further, 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.
3. The appellant, in his appeal, has made a request for personal hearing. On the issue of providing an opportunity of hearing by the First Appellate Authority (FAA) under RTI Act, a full bench of Hon’ble CIC in *Bombay Stock Exchange Limited vs Securities and Exchange Board of India* (File No. CIC/SM/A/2011/001687) observed that “*It is not practical to lay down an inflexible rule that PIOs and AAs will always offer an opportunity of hearing to the parties, let alone to the 3rd party. They may do so as per their discretion, keeping in view the complexity of legal and factual issues involved, without forgetting that timelines are to be adhered to, being the essence of the Act.*” Therefore, it is noted that there is no specific requirement under the provisions of the RTI Act, of providing a personal hearing by the FAA and that the discretion to give hearing to the appellant shall be exercised considering the complexity of the issues involved and

the timelines specified under the RTI Act. In this context, reliance is also placed on the decisions of the Hon'ble CIC in the matters of *Mr R.K Jain vs. UPSC* (Decision dated March 10, 2014) and *Mr. N. Saini vs. CPIO & Chief (RTI)* (Decision dated January 25, 2018). In view of the above observations, I have carefully considered the applications, the responses and the appeals. I note that the grounds of appeal are self-explanatory. Hence, the matter can be decided based on the material that is available on record.

4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent with respect to query number 1 of the application. In view of the submission made by the appellant in his appeal, I am only dealing with the said query and the response provided thereto in this order.
5. **Query number 1-** The appellant, vide query number 1, sought the scanned copies of the order including the File notings that has been prepared on the Appeal No. 157 of 2015 in the matter of MVL Limited vs. SEBI.
6. The respondent, in response to query number 1, informed that Appeal No. 157 of 2015 is currently pending before the Hon'ble SAT. The respondent also informed that the requested information is exempt from disclosure under section 8(1)(a) and 8(1)(h) of the RTI Act as the same pertains to the internal functioning of SEBI and relates to strategic litigation decisions, systems and procedures followed by SEBI. Further, the respondent informed that the information is strategic in nature, disclosure of which may hamper the decision making by SEBI in defending the case. The appellant, in his appeal, stated that the information sought in Point number 1 of the application is the "*orders that have been passed in the case titled MVL vs. SEBI*". The appellant also submitted that the orders sought by the appellant are not exempted under the RTI Act.
7. I have perused the query, the response provided by the respondent and the appeal filed by the appellant. From the appeal, I note that the appellant is categorically seeking the copy of the orders passed in the matter of *MVL vs. SEBI* (Appeal No. 157 of 2015) which is filed before the Hon'ble SAT. I also note that the appellant, vide query number 3 of his application, has sought similar information pertaining to order passed by the Hon'ble SAT against MVL Ltd. In response to the same, the respondent has already informed that the appellant may approach SAT registry for resolution of his query. I note that the respondent has informed regarding pendency of the matter before the Hon'ble SAT. Further, the final order has not been passed in Appeal No. 157 of 2015. It is

also not clear from the application whether the appellant is seeking any specific order passed in the said matter. In view of these observations, I find that the respondent has adequately addressed the query and no further intervention is warranted at this stage.

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: August 19, 2022

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