

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

Appeal No. 6016 of 2024

: Appellant
Geeta Khattar

Vs
CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated April 21, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 16, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00103) dated May 20, 2024. 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 respondent has filed the appeal on the ground that the information provided is incomplete, misleading or false information. The appellant, in her appeal, has raised dissatisfaction only with respect to the reply to request nos. 1-4 and 6-10 of her application.
3. **Request Nos. 1, 3, 7 and 8 of the application** - The appellant, vide requests nos. 1, 3, 7 and 8 of her application dated April 21, 2024, sought the following information:

“1/ Provide proof / proofs on paper/s where the investor Geeta Khattar made Violation/s of the Securities Laws in the six months i.e. from 01.10.2023 to 31.03.2024 due to which SEBI has blocked the said investor (Geeta Khattar) from accessing the SEBIs ,, old ,, SCORES online portal. “

“3/ SEBI launched a new SCORES online portal on 01.04.2024. Provide proof / proofs on paper/s where the investor Geeta Khattar made Violation/s of the Securities Laws since 01.04.2024 due to which SEBI has blocked the said investor from accessing the SEBI ,, new ,, SCORES online portal.”

“7/ Firstly, please see the attachment. Further, provide SEBI's seal / stamp on Risk Management Guidance issued by HDFC Securities.

8/ Provide the numbers of SEBI, NSE, and BSE Rules, Regulations, circulars, etc. under which the said regulators approved the attached Risk Management Guidance issued by HDFC Securities.”

4. **Reply of the Respondent** - The respondent in response to request nos. 1 and 3 informed that the appellant has been blocked as chronic complainant under the provisions provided in sr. nos. 31 and 32 of FAQs for SCORES. The respondent provided the relevant link to access the said FAQs.

In response to request no. 7 and 8 of the application, the respondent informed that appellant that the said requests were also sought in appellant's earlier RTI applications. Hence, the appellant was advised to refer to the response by the respondent to the said RTI applications.

5. I have perused the aforesaid requests and the response provided thereto. With respect to request nos. 1 and 3 of the application, I note that similar information was sought by the appellant in his earlier RTI application (Reg. No. SEBIH/R/E/23/00930) dated September 22, 2023. Further, with respect to request nos. 7 and 8 of the application, I note that similar information was sought by the appellant in his earlier RTI applications (Reg. No. SEBIH/R/E/24/00281) dated March 21, 2024 and (Reg. No. SEBIH/R/E/24/00332) dated April 2, 2024. I note that the respondent has duly responded to all the above RTI applications. Hence, I find that the aforesaid requests are repetitive in nature. In this regard, I note that the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**"), in the matter of *Geeta Khattar vs. CPIO, SEBI* (order dated December 22, 2022) observed that "*The Commission observed that the complainant has been filing multiple RTI applications against the same public authority on the similar queries. The same was decided by the Commission on 06.12.2022 vide File No. CIC/SEBIH/C/2021/640243 and CIC/SEBIE/A/2021/653859. It is also noted that the complainant neither appears during the hearings before the Commission nor receives the postal notices of the Commission. Needless to say, such multiplicity of frivolous RTI applications and appeals arising thereof are clogging the system of the Commission as well as of the public authorities. The Commission placed reliance on the decision of Shail Sabni vs. Sanjeev Kumar & Ors. [W.P. (C) 845/2014], wherein the Hon'ble High Court of Delhi observed:*

".....Consequently, this Court deems it appropriate to refuse to exercise its writ jurisdiction. Accordingly, present petition is dismissed. 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 beneficial Statute, when made a tool for mischief and abuse must be checked in accordance with law.". In view of the above, I find that no further intervention of this forum is warranted at this stage.

6. **Request Nos. 2 and 4 of the application** - The appellant, vide requests nos. 2 and 4 of her application dated April 21, 2024, sought the following information:

“2/ Provide the date since SEBI blocked the investor Geeta Khattar from accessing SEBIs ,, old ,, SCORES online portal. (The following information is related to point no. 3 & 4. SEBI launched a new SCORES portal on 01.04.2024, and this RTI application is registered on 21/04/2024 and between this period (i.e. from 01.04.2024 to 21.04.2024), SEBI blocked the said investor Geeta Khattar from accessing the SEBIs new SCORES online portal).”

“4/ SEBI launched a new SCORES portal on 01.04.2024. Provide the date since SEBI has blocked the investor Geeta Khattar from accessing SEBIs ,, new ,, SCORES online portal.”

7. **Reply of the Respondent** - In response to request no. 2 and 4 of the application, the respondent informed that the appellant has been blocked on Scores on 28/10/2022 and on new Scores on 01/04/2024.
8. I have perused the aforesaid requests and the response provided thereto. I find that the respondent has adequately addressed the requests by providing the information available with him. Hence, I do not find any deficiency in the response of the respondent. Further, on perusal of the appeal, it appears that the appellant is questioning the correctness of the information provided by the respondent. In this context, it is observed that the Hon'ble High Court of Delhi in *Hansi Rawat & Anr. vs Punjab National Bank & Ors.* (LPA No. 785/2012-decision dated January 11, 2013) held that *“The question, as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, is to be drawn in the said proceedings and as aforesaid the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished.”* The said judgement was also relied upon by the Hon'ble Central Information Commission (hereinafter referred to as “**CIC**”), in the matter of *Naresh Luthra vs. CPIO, IGNOU, Student Evaluation Division* (order dated December 01, 2021). Accordingly, no further intervention of this forum is warranted.
9. **Request Nos. 6, 9 and 10 of the application** - The appellant, vide requests nos. 6, 9 and 10 of her application dated April 21, 2024, sought the following information:

“6/ To which policies and FAQs, etc. issued by Stockbrokers, SEBI certifies with SEBI official seal / stamp.”

“9/ Provide the names of agencies affiliated with SEBI.

10/ Provide the name of agencies to whom SEBI has notified about the attached Risk Management Guidance (issued by HDFC Securities) which falls under the major violation of the Securities Laws.”

10. **Reply of the Respondent** – The respondent, in response to the aforesaid requests informed that information sought are not clear and specific. Accordingly, the same cannot be construed as “information”, as defined u/s 2(f) of the RTI Act, 2005. Additionally, with respect to request no. 10 of the application, the respondent provided information regarding the risk management framework

prescribed by SEBI through its various circulars/ guidelines. The respondent also provided the relevant links to access the same.

11. I have perused the aforesaid requests and the response provided thereto. I concur with the response of the respondent that the said requests of the appellant are not clear and specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") held: "*The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.*". Accordingly, I do not find any deficiency in the response.
12. 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 6, 2024

B RAJENDRAN

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