

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

Appeal No. 5597 of 2023

Manish Goel	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 20, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 16, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00040) dated February 17, 2023. 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 access to the requested information was refused. The appellant, in his appeal, submitted that he had asked for the source of some information and that the respondent did not provide the same. In view of the submission made by the appellant, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Queries in the application** –The appellant, vide his application dated January 20, 2023, *inter alia*, sought the following information:

“(1) What is source of the information provided by SEBI to Honourable High Court of Punjab & Haryana at page number 3E of attached reply document of SEBI. This information was provided by SEBI regarding the same Honourable Judicial Magistrate 1st Class court case regarding which SEBI claimed in its reply to my RTI number SEBIH/R/E/22/01619 that no court notice was received by SEBI.”
4. The respondent, in response to the aforesaid query, informed that the query is in the form of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. However, the respondent informed that vide mail dated July 14, 2022,

the appellant had forwarded a copy of order dated June 13, 2022 passed by Judicial Magistrate (1st Class), Chandigarh directing SEBI to preserve the record of computer/dispatch register and internal proceedings pertaining to Show Cause Notice (SCN) dated March 31, 2022 so that the same may be called for the purpose of evidence, if required, at any later stage in the matter pending before the said forum. The respondent also informed that upon perusal of the Court's website, it was found that a separate Order dated June 13, 2022 was available. In the said Order dated June 13, 2022, it was found that the appellant had filed an application under section 156(3) of CrPC for direction to Police to register FIR under various provisions of Indian Penal Code (viz. Section 166, 167, 466 & 506). Further, it was mentioned that the Hon'ble Court had declined to pass any such direction and converted the application into a Criminal Complaint. The respondent also informed that the said order was never forwarded by the appellant to SEBI and the same was tracked down from the Court's website based on the Court Order forwarded to SEBI by the appellant. The respondent stated that the said order was still not traceable on the website of the Hon'ble Court. Further, the respondent informed that since SEBI has complied with the direction passed by the Hon'ble Court under section 91 of CrPC and taken necessary steps in that regard, reference to the above mentioned orders had been made in the affidavit filed by SEBI before the Hon'ble High Court of Punjab and Haryana.

5. I have perused the query and the response provided thereto. On consideration, I find that the respondent has provided the information, as available on record, regarding the application filed before the Judicial Magistrate (1st Class), Chandigarh and the order passed in respect of the said matter. In my opinion, the query has been adequately addressed and no further intervention of this forum is warranted.
6. 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: February 24, 2023

A SUNIL KUMAR
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA