

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

Appeal No. 6117 of 2024

Shashank Dubey	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. no. SEBIH/R/P/24/00124) dated April 29, 2024 (received by SEBI on May 27, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 19, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated July 31, 2024 (received by the Office of Appellate Authority on August 19, 2024).
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 June 19, 2024 (sent by post). However, it is not clear as to when the respondent has received the said letter. Hence, it is difficult to determine the delay, if any, in filing the instant first appeal. Notwithstanding the above observation, I am considering the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.
3. **Requests in the application-** The appellant in his application dated April 29, 2024, *inter alia*, sought information related to merger/demerger of Vedanta Ltd. and various other companies.
4. **Reply of the Respondent -** The respondent, in response to request nos. 1, 3, 4, 5 and 10 informed that the information sought is not clear and specific. Accordingly, the same cannot be construed as “information”, as defined u/s 2(f) of the RTI Act, 2005. Further, the respondent informed that the information sought is not maintained by SEBI in its ordinary course of operations. However, the respondent informed that information pertaining to listed companies and any schemes of arrangement filed with NSE and BSE may be found on the exchange’s website. The respondent provided the relevant links to access the same. Additionally, the respondent informed that any

relevant information such as market valuation, total share value, authorised capital, paid up capital, shareholding pattern of involved companies pre-post scheme of arrangement, etc. are available in the scheme documents.

In response to request no. 2, the respondent informed that the query pertains to companies which are unlisted and therefore does not come under purview of SEBI.

In response to request no. 6, the respondent informed that the information sought is not maintained by SEBI in its ordinary course of operations. Further, the respondent informed that information pertaining to a listed entity is available with stock exchanges i.e. NSE and BSE and depositories NSDL and CDSL. The respondent, further informed that the query pertains to companies which are unlisted and therefore does not come under purview of SEBI.

In response to request no. 7, the respondent informed that the information sought is not maintained by SEBI in its ordinary course of operations. Additionally, information pertaining to listed companies and any schemes of arrangement filed with NSE and BSE may be found on the exchange's website. The respondent provided the relevant links to access the same

In response to request nos. 8 and 9, informed that information pertaining to listed companies and any schemes of arrangement filed with NSE and BSE may be found on the exchange's website. The respondent provided the relevant links to access the same. Additionally, the respondent informed that any relevant information such as market valuation, total share value, authorised capital, paid up capital, shareholding pattern of involved companies pre-post scheme of arrangement, etc., are available in the scheme documents.

5. **Ground of appeal** - On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
6. I have perused the aforesaid requests and the response provided thereto. With respect to request nos. 1, 2, 3, 5, 6, 7, 9, 10 of the application, I note that similar request was sought by the appellant in his earlier RTI application (Reg. no. SEBIH/R/P/24/00010) dated January 05, 2024, for which the respondent had already provided the reply vide his letter dated January 24, 2024. Further, FAA order dated March 13, 2024 was also passed with respect to the said earlier RTI application in Appeal no. 5931 of 2024. Hence, I find that the said requests are repetitive in nature. In the context of filing repetitive requests under RTI Act, the Hon'ble CIC in the matter of *Shri Ramesh*

Chand Jain vs. Delhi Transport Corporation, GNCTD, Delhi (File No. CIC/AD/A/2013/001326-SA decided on June 25, 2014) held that “The universal principles of civil justice also recognized ‘constructive res judicata’, which in the RTI context means when an applicant uses an opportunity of obtaining information on a particular subject as per law, he is expected to seek all the related information in that first ever opportunity itself. He cannot file another application for a bit or piece which he forgot to ask, or not advised by his lawyer, or for any other reason. He should ask all possible aspects of information about that subject matter, in the first ever available opportunity. Even if he does not, it is presumed by law that he asked for that and was refused after due trial..... Thus, once information is given, applicant shall not seek the same once again in the guise of different form or language. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI applications will amount to clogging the office of public authority and CPIO would be justified in refusing the same with intimation of reasons. Because the repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office”. In view of the above, I find that no further intervention of this forum is warranted at this stage.

7. With respect to request no. 4, I concur with the response of the respondent the said request of the appellant is 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 of the respondent.
8. Further, with respect to request no. 8 of the application, I note that the appellant’s request has cited numerous legal provisions and other legal references, which makes it challenging to understand the precise information he is trying to seek. Hence, I find that the said request of the appellant is not clear and specific. Notwithstanding the above, with respect to request no. 8 of the application, I note that

the respondent has provided some information to the appellant which may be the probable request he could deduce and identify from the voluminous and dense details provided by the appellant in his said query. Hence, I do not find any deficiency in the response of the respondent.

9. 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: September 13, 2024

RUCHI CHOJER

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