

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

Appeal No. 4756 of 2022

Prem Garg	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 17, 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 10, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated March 13, 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. **Queries in the application** –The appellant, vide his application dated February 17, 2022, sought the following information:

“Kindly supply SOFT COPY by email and HARD COPY by post of the SEBI letter No. 15.287.Plant.98-99.NRO.516 dated 22.01.1999 sent by The Securities and Exchange Board of India to Rapti Agro Industries Limited, C-4, Meera Bai Marg, Lucknow-226 001 in response to their letter dated 01.12.1998.”
3. The respondent, in response to the aforesaid query, informed regarding the case filed before Tis Hazari Court against Rapti Agro Industries Ltd. and its directors, under Section 200 of The Code of Criminal Procedure, 1973 read with Section 24(1) and 27 of the SSEBI Act, 1992, for violations of the provisions of Section 12(1B) of the SEBI Act, 1992 and Regulation 5(1) read with Regulation 68(1) and 68(2) of the SEBI (Collective Investment Schemes) Regulations, 1999. The respondent also informed that the proceedings initiated against Rapti Agro Industries Ltd. had not reached a logical conclusion. Hence, disclosure of details related to the matter may impede the process and is, therefore, exempt from disclosure in terms of Section 8(1)(h) of the RTI Act.

4. **Grounds of appeal-** The appellant filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, *inter alia*, submitted that the respondent has intentionally avoided disclosure of the requested information. The appellant also submitted that the requested information is not related to any matter that may impede the process.
5. I have perused the query and the response provided thereto. On consideration, I note that the query of the appellant pertains to the Complaint Case filed before the Chief Metropolitan Magistrate, Tis Hazari Court, Delhi in the matter of Rapti Agro Industries Ltd. I note that the respondent has provided information regarding the case filed before the said Court. Further, the respondent has categorically informed that the proceedings initiated against Rapti Agro Industries Ltd. had not reached a logical conclusion and the disclosure of information related to the matter is exempt under Section 8(1)(h) of the RTI Act. In this context, I note that the Hon'ble CIC, in the matter of *Smt. Pushpa Devi Mohita vs. SEBI* (order dated February 08, 2022), held that "*The Commission observes that the information sought by the appellant is submitted to SEBI which is a quasi-judicial body for examination and the same has not yet reached a logical conclusion, therefore the respondent has denied the information under section 8(1)(h) and as per the said provisions of the RTI Act, such information cannot be provided to the appellant which would impede the process of investigation.*" In view of these observations, I do not find any deficiency in the response.
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: April 11, 2022

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