

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

Appeal No. 6005 of 2024

Sapan Shrivastava	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 11, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 19, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00094) dated May 08, 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 March 19, 2024. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on May 8, 2024. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. 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.

4. **Requests made in the application** –The appellant, vide his application dated March 11, 2024, sought the following information:

“HDFC LTD and HDFC Bank Merger as per SEBI Circular No. CFD .DIL3.CIR.2017 of 21 dated March 10, 2017 SEBI vide its letter dated July 01, 2022 as per BSE Exchange NOC RTI Question

- 1. Name of SEBI Officer with designation issued comment or observation letter in this merger.*
- 2. Copy of Letter dated 01 July 2022 issued by SEBI to exchanges of HDFC merger.”*

5. **Reply of the respondent** - The respondent, in response to request no. 1 of the application informed that the information sought relates to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the officials and may also endanger the life or physical safety of the person(s). The same is therefore exempt in terms of Sections 8(1)(g) and 8(1)(j) of the RTI Act, 2005.

In response to request no. 2 of the application, the respondent informed that SEBI comments are contained in BSE and NSE observation letters issued with respect to draft schemes of arrangement. The respondent also provided the relevant link to access the said observation letters of the exchanges.

6. **Ground of appeal-** The appellant has filed the appeal on the ground that information provided was incomplete, misleading or false information.
7. I have perused the aforesaid requests and the response provided thereto. On consideration, with respect to request no. 1 of the application, I find that the information about SEBI officials relates to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety to the person. In this regard, I note that the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”), in the matter of *Prerit Misra vs. CPIO, SEBI* (order dated November 21, 2022) held that- *“It is pertinent to mention here that the appellant in a similar case which was dealt in File no. CIC/SEBIE/A/2019/660770 dated 10.08.2021 whereby he had sought information regarding the names of the officers who had blocked his email address, the Commission, while passing an order had held that such information is exempted u/s 8(1)(g) & 8(1)(j) of the RTI Act. The Commission after considering the submissions of the appellant finds no merit in his case, and also is in agreement with the order of the FAA and concludes that the information is exempt u/s 8(1)(g) & 8(1)(j) of the RTI Act, hence, no relief can be given.”* In view of these observations, I find that the requested information is exempt from disclosure under sections 8(1)(g) and 8(1)(j) of the RTI Act.

8. In regard to request no. 2 of the application, I note that similar request was sought by the appellant in his earlier RTI application dated January 29, 2024, for which the respondent had already provided the reply vide his letter dated February 8, 2024. Further, FAA order dated March 7, 2024 was also passed with respect to the said earlier RTI application in Appeal no. 5925 of 2024. 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.
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: May 16, 2024

B RAJENDRAN

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