

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

Appeal No. 6200 of 2024

Commodore Lokesh. K. : Appellant
Batra

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated August 30, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 20, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00253) dated October 15, 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 appellant has filed the appeal on the ground that he was refused access to information requested. The appellant, in his appeal, has raised dissatisfaction only with respect to the replies to request nos. 2(d) - 2(f) of his application.
3. **Request nos. 2(d) - 2(f) of the application** - The appellant, vide his request nos. 2 (d) - 2(f) of the application dated August 30, 2024 sought the following information:

“2. In above context; kindly provide me point-wise, clear and complete information from the records held in this Public Authority (PA) that is SEBI Head Office. Record is well defined in the RTI Act, 2005.

(a)

(b) ...

(c) ...

(d) Provide me the Date/Dates when the current Chairperson of the SEBI, Ms. Madhabi Puri Buch had made declaration(s) of complete details of ‘Financial Assets and Equities’ held by her (Ms. Madhabi Puri Buch) to the SEBI Board and Government of India. Copies of the said declaration(s) are also requested.

(e) Provide me the Date/Dates when the current Chairperson of the SEBI, Ms. Madhabi Puri Buch had made declaration(s) of complete details of ‘Financial Assets and Equities’ held by her concerned family members to the SEBI

BOARD and Government of India. Copies of the said declaration(s) are also requested. The copies of the said declarations are also requested.

(f) Provide details of all the matters where Chairperson had recused herself involving potential conflict of interest. “

4. **Reply of the Respondent** - The respondent, in response to request nos. 2(d) -2(f) of application, informed that the information sought does not pertain to the appellant and the same 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 individuals 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. Further, the respondent informed that the information on cases where the Chairperson, viz. Ms. Madhabi Puri Butch, recused herself due to potential conflicts of interest during her tenure is not readily available and collating the same will lead to disproportionately diverting the resources of the public authority in terms of section 7(9) of the RTI Act.
5. I have perused the aforesaid request and the response provided thereto. I note that the requested information has been denied by the respondent under section 8(1)(g) and 8(1)(j) of the RTI Act. In this context, reference is made to the judgment of the Hon'ble Supreme Court of India in the matter of *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal* in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010 (judgement dated November 13, 2019) wherein "personal information" envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in other matter(s). The Hon'ble Supreme Court held that: *"59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive..."* Accordingly, I do not find any deficiency in the response of the respondent. On perusal of the appeal, I note that the appellant in appeal has failed to provide any submissions as to how the disclosure of the information is justified by larger public interest. In this context, I note that the Hon'ble High Court of Delhi in the matter of

Municipal Corporation Delhi vs. Rajbir W.P.(C) 13219/2009 and CM 14393/2009, decided on 24.8.2017 had held that:

“9..... Respondent has not provided any credible justification for seeking information regarding the personal assets of the MCD employee in question.

10. There can be no doubt that the information sought by respondent is personal information concerning an employee of MCD. Such information could be disclosed only if respondent could establish that disclosure of such information was justified by larger public interest.” Accordingly, I do not find any deficiency in the response of the respondent.

6. Additionally, with respect to request no. 2(f), I note that the requested information has been denied by the respondent, *inter alia*, under section 7(9) of the RTI Act. On consideration, I note that the requested information is not readily available with the respondent in the manner as sought by the appellant and that the respondent would be required to collate the information. Hence, I concur with the response of the respondent that such collation would disproportionately divert the resources of SEBI and would thereby defeat ‘the practical regime of right to information’ as envisaged in the preamble of the RTI Act. In this context, I note that the Hon’ble Central Information Commission, in the matter of *Mr. Deepak Girdhar vs. CPIO, SEBI* (Order dated March 30, 2021), observed that “6. *The Commission, after hearing the submissions of the respondent and after perusal of records, observes that the information sought by the appellant is voluminous in nature and may not be readily available with the CPIO in the manner as sought by the appellant, collating and compiling of which would disproportionately divert the resources of the respondent organization. Hence, the disclosure of information is exempted as per Section 7(9) of the RTI Act.*” In view of these observations, I do not find any deficiency in the response.
7. 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: November 11, 2024

RUCHI CHOJER

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