

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

Appeal No. 5445 of 2022

Hans Raj Singla	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 11, 2022 (received by SEBI on May 19, 2021) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 16, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated September 26, 2022 (received by the Office of Appellate Authority on October 04, 2022).
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 16, 2022. 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 October 04, 2022. 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. **Grounds of Appeal** – On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, submitted that the information on all the points of the application is rejected in utter disobedience of the RTI Act. The appellant also submitted that the information has been illegally denied to him. In view of the submissions made by the appellant, I am dealing with the queries and the response provided thereto, in the following paragraphs.

5. **Query number 1-** The appellant, vide query number 1, sought the following information pertaining to all the letters mentioned in his letter dated February 09, 2022:
 1. *Inform the dates on which all the letters under reference are received at the office along with the copies of the Dak Received Register of said letters.*
6. The respondent, in response to the aforesaid query, informed that the letter dated February 09, 2022 in reference was received by SEBI on February 16, 2022.
7. I have perused the query and the response provided thereto. On consideration, I find that the appellant had specifically sought information regarding the letters under reference in his letter dated February 09, 2022 which were received at the office of SEBI. On perusal of the letter dated February 09, 2022, I find that the appellant has referred to his letters dated September 29, 2021. In my view, the query has not been adequately addressed and the same warrants reconsideration.
8. **Query number 2-** The appellant, vide query number 2, sought the following information-
 2. *Give me the name and designation of official of your office to whom my said complaints/letters are marked for disposal.*
9. The respondent, in response to the aforesaid query, informed that the requested information is exempt from disclosure under sections 8(1)(g) & 8(1)(j) of the RTI Act as the complaint handling mechanism at SEBI is a collective affair, in which officers of different levels contribute. Hence, handling the complaints is internal to the functioning of SEBI and the said information relates to personal information, the disclosure of which has no relation to any public activity or interest.
10. I have perused the query and the response provided thereto. As regards the non-disclosure of information relating to the name and designation of official(s), I find that a similar issue was settled by the in *H. E. Rajashekarappa vs. State Public Information Officer and Ors.* (Order dated July 01, 2008), wherein the Hon'ble High Court of Karnataka had ruled that: "*... it cannot be said that section 2(f) of the Act (the RTI Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority*". Further, I note that the decision-making process in SEBI is a collective affair in which officers of different levels contribute and hence the names of SEBI officials are internal to the functioning of SEBI and the said information relates to personal information, the disclosure of which has no relation to any public activity. In view of these observations, I do not find any deficiency in the response.

11. **Query numbers 3, 4 and 9-** The appellant, vide query numbers 3, 4 and 9, sought the following information-

3. Please supply me the record of day-today action taken on my said complaints/ applications by the concerned official.

4. Give me the copy of reminders given to the concerned official who has not taken any action on my complaints/ applications till today.

9. Give me the latest/present status report on all complaints and reminders as on today.

12. The respondent, in response to the aforesaid queries, informed that the steps taken to execute recovery proceedings by SEBI are matter specific and are not driven by individual complaints. However, the respondent informed regarding initiation of Recovery Proceedings against Rich Infra Developers India Ltd. and its directors namely Harvinder Pal Singh, Gurpreet Singh Sidhu, Parampreet Singh Sidhu and Balijinder Preet Singh (defaulters) for non-compliance of the SEBI order no. WTM/GM/EFD/58/2018-19 dated September 27, 2018. The respondent also informed regarding the issuance of attachment order dated February 05, 2020 and the remittance advice dated June 29, 2020. The respondent informed that the recovery proceedings are still in progress.
13. I have perused the queries and the response provided by the respondent. I note that the letter dated February 09, 2022 pertains to refund/re-payment in the matter of Rich Infra Developers India Ltd. On consideration, I find that the respondent has adequately addressed the queries by providing the information available with him regarding the recovery proceedings initiated against Rich Infra Developers India Ltd. In view of the same, I do not find any deficiency in the response.
14. **Query number 5-** The appellant, vide query number 5, sought the total amount (along with interest up to date) payable to the claimant/beneficiary as on date.
15. The respondent, in response to the aforesaid query, informed that the query is in the nature 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, without prejudice to the same, the respondent informed that recovery proceeding in the matter is underway and upon reaching the logical conclusion, the claims may be invited from the investors. The respondent also mentioned that the amount to be recovered from the defaulters as per the recovery certificate as on February 05, 2020 was Rs. 58,45,00,000.

16. On perusal of the response, I find that the respondent has informed regarding the recovery process up to the stage when the investors may be invited to put in their claims. In my view, the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.
17. **Query number 6-** The appellant, vide query number 6, sought the name and designation of official who is responsible for payment of principal plus interest as claimed by the investor/complainant.
18. The respondent, in response to the aforesaid query, informed that the query is in the nature 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 the requested information was not available as on date. Further, the recovery proceedings in the matter were underway and upon reaching the logical conclusion, the claims may be invited from the investors.
19. On perusal of the response, I find that the respondent has clearly informed that the requested information is not available as on date. Further, I note that the respondent has informed the appellant regarding the recovery process being underway. In my view, the query has been adequately addressed and no further intervention is warranted at this stage.
20. **Query numbers 8 and 10-** The appellant, vide query numbers 8 and 10, sought the following information:
 8. *Give me the name and address of the corporate head of SEBI against whom I can sue in the competent court of law or the consumer forum as the case may be, in the present case.*
 10. *Give me the name and designation of authority to which I can lodge my complaint against anti-investors- attitude of the SEBI.*
21. The respondent, in response to the aforesaid queries, informed that the queries are vague and not specific and accordingly, the same cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act.
22. I have perused the queries raised by the appellant and I find that the same are vague and not clear. Further, it is difficult to ascertain what exact information has been sought by the appellant. In this context, I note that in the matter of *Shri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (Decision dated August 30, 2012), the Hon’ble CIC held: “*Since the Appellant had not clearly stated what exact information he wanted, the CPIO could not have provided any specific information to him.*” In view of the same, I do not find any deficiency in the response.

23. Notwithstanding the above, the appellant may be guided by the information available on the SEBI website, which is in the public domain.
24. **Query numbers 11 and 12-** The appellant, vide query number 11, sought the details of penalties or fine imposed by SEBI upon the Rich Infra Developers India Ltd. in the past. The appellant, vide query number 12, sought the list of duties of SEBI towards investors who fall victims to the Rich Infra Developers India Ltd. and other similar fraudulent companies.
25. The respondent, in response to the query number 11, informed that the enforcement action taken with respect to Rich Infra Developers Limited Company is available on SEBI website. The respondent also provided the link/path for accessing the same. In response to query number 12, the respondent informed that the information sought by the appellant is provided in the SEBI Act, 1992.
26. I have perused query number 11 and the response provided thereto. I note that the information about any enforcement or regulatory action taken/ penalty imposed by SEBI is available on the SEBI website under the head “Enforcement”, which is in the public domain. I find that the respondent has informed the appellant accordingly. With respect to query number 12, I note that the respondent has adequately guided the appellant to access the information regarding duties of SEBI, which is also available in the public domain. Accordingly, no further intervention is warranted at this stage.
27. In view of above observations, I remit the application to the respondent for reconsidering query number 1 and to provide a revised response within 15 working days from the date of receipt of this order.
28. The Appeal is accordingly disposed of.

Place: Mumbai

A SUNIL KUMAR

Date: November 03, 2022

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