

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

Appeal No. 5407 of 2022

Manish Goel	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 23, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 12, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 14, 2022, with respect to which an order dated August 11, 2022 (in Appeal No. 5203 of 2022) was passed by this forum, directing the respondent to reconsider the application and send an appropriate response to the appellant in terms of RTI Act. Thereafter, the respondent issued a letter dated August 26, 2022. The appellant has now filed an appeal dated September 05, 2022 for non-compliance of the said order dated August 11, 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 June 23, 2022, sought the following information regarding inspection conducted by SEBI with respect to the appellant’s Research Analyst Activities:
 1. *Copy of complete file available with SEBI NRO related to my above matter.*
 2. *Copy of documents relied upon and not relied upon while making allegations on me on June 14, 2022 letter.*
 3. *Communication done by SEBI head office with SEBI NRO regarding above matter.*
3. The respondent, in response to query numbers 1 and 2, *inter alia*, informed that all the relevant information with respect to inspection were provided to the appellant vide letter dated June 14, 2022 and the same was confirmed vide email dated June 23, 2022. However, the respondent informed that the requested information is exempted under section 8(1)(d), 8(1)(e), 8(1)(g) and 8(1)(h) of the RTI Act as the complete file regarding the matter may include internal notings, post inspection analysis and

correspondences with third parties and commercial organizations viz. Stock Exchanges, complainants and Payment Gateways, which are held by SEBI in fiduciary capacity. The respondent also observed that providing such information will short circuit the entire established process, will reveal the mind of the regulator and will set a wrong precedence impeding and hampering the entire inspection process. Further, it will also harm the competitive position of the mentioned third parties and will identify the source of information or assistance given in confidence. The respondent also mentioned regarding the possibility of exposure of the inspecting and adjudicating officers to external factors. It was also informed that the appellant's reply was under analysis and as per the established procedures, may relate to action of quasi-judicial nature. With respect to query number 3, the respondent informed regarding the only communication received from SEBI HO.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that respondent has not complied with the order dated August 11, 2022 passed by this forum. The appellant also requested to take necessary action for such non-compliance.
5. **Query numbers 1 and 2-** I have perused the queries and the response provided by the respondent. I note that the appellant sought information regarding the file available with SEBI which related to the appellant's matter. I note that the respondent denied the information on the ground that the requested information is exempt from disclosure under sections 8(1)(d), 8(1)(e), 8(1)(g) and 8(1)(h) of the RTI Act. In this context, reference is made to the matter of *Ashok Kumar Jian vs. CPIO, SEBI* (order dated May 22, 2020), where in similar information was sought by an appellant and the respondent had submitted that *"It was further submitted that the inquiry and inspection was one of the tools available with SEBI (along with erstwhile FMC) to prevent or take action for any fraud or prevention of any unfair trade practices. Information received from various sources, if revealed, could give an inkling to the strategic issues involved in the matter and may even forewarn the violators and enable them to look for ways and means to protect themselves against SEBI's efforts to prevent fraud, etc. The disclosure of such strategic and confidential information may also affect and compromise interest of the securities market in specific and may affect the economic interest of the country. Further, there was no larger public interest involved in the disclosure of the said information. In view of the above, exemption was sought in terms of Section 8(1)(a), 8(1)(d), 8(1)(e) of the RTI Act, 2005."* I note that in the said matter, the Hon'ble CIC held that no further intervention of the Commission was required. In view of these observations, I agree with the response of the respondent. Accordingly, no further intervention is warranted at this stage.
6. Further, I note that the respondent has clearly stated that the reply provided by the appellant in the above mentioned matter, is under analysis. In this context, I note that the Hon'ble CIC, in the matter of

Smt. Pushpa Devi Mohta 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 that the requested information is also exempt from disclosure under section 8(1)(h) of the TI Act.

7. **Query number 3-** I have perused the query and the response provided thereto. I find that the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.
8. 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: October 04, 2022

ANAND BAIWAR

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