

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

Appeal No.5829 of 2023

Vivek Agarwal	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 25, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated September 22, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00223) dated October 17, 2023. 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. **Query in the application** - The appellant, vide his application dated August 25, 2023 sought following information:

We refer to SEBI Order No Order/BM/GN/2022- 23/24250 dated 28.02.2023 in which it is mentioned that MCX has Collected Stamp Duty of Rs. 65,535 from 7 Members (involving 50 client codes) pertaining to Sikkim matter & Levied penalty of Rs. 5 lakhs (i.e., Rs. 10,000/- per client for the 50 client codes) to these 7 trading members

RTI Required:

Please inform whether M/s Valley Distributors LLP having PAN- ... is among the 50 Clients as mentioned in above order or alternatively list of all such 50 Clients may please be provided”

3. **Reply of the Respondent** The respondent in response to the application informed that the queries are in the nature of seeking clarification. Accordingly, the same cannot be construed as “information”, as defined u/s 2(f) of the RTI Act, 2005.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that he was refused access to information requested. The appellant in the appeal has, *inter alia*, requested that information may be provided to him as the information sought by him does not have any characteristics of a clarification.

5. I have perused the query and the response provided thereto, I note that the appellant has sought very specific information pertaining to the list of 50 clients mentioned in the relevant SEBI order. On consideration, I find that the response provided by the respondent does not justify the denial of the requested information on the ground that the same is in the nature of seeking clarification. In my view, the respondent was obliged to ascertain availability of the requested information with SEBI and whether the same may be provided to the appellant in accordance with the provisions of the RTI Act. On consideration, I find that the application has not been adequately addressed. Accordingly, it would be appropriate to remit the application for reconsideration.
6. Considering the above observations, I remit the application to the respondent for *de novo* consideration and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
7. The Appeal is accordingly disposed of.

Place: Mumbai

Date: November 8, 2023

ANAND BAIWAR

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