

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

Appeal No. 5805 of 2023

R Ganesan	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 29, 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 18, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00200) dated September 21, 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. **Requests in the application** - The appellant, vide his application dated August 29, 2023 has, inter alia, alleged that Virutcham Investment Services Pvt. Ltd. (authorised by Motilal Oswal) has mishandled his trading account and that his fund is showing nil balance. The appellant had requested for his trading details from beginning to end.
3. **Reply of the Respondent** - The respondent in response to the request, inter alia, informed that the information sought by appellant is in the nature of grievance and that taking action or resolution of grievance does not come under the provision of RTI Act. Therefore, it does not qualify as information under provisions of section 2(f) of RTI Act. Further, the respondent provided information regarding lodging of grievance, if any, on the SCORES portal of Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”) and tracking the status of the same. The respondent also provided the toll free helpline numbers launched by SEBI to facilitate replies to various queries of the general public on matters related to securities market. The appellant was also advised to refer to the FAQs on “Investor Grievances- SCORES”, available on the SEBI website. The respondent also provided the link for accessing the said FAQs.

4. **Ground 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, has, inter alia, expressed his dissatisfaction with the resolution provided by the GRC and has requested to verify his trading statement and provide a resolution.
5. I have perused the request of the appellant and the response provided thereto. I note that the appellant in his application has specifically sought for his trading details from beginning to end. 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 grievance. 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. Further, I note that the appellant, in his appeal, has, inter alia, requested to verify his trading statements and provide a resolution. These submissions appear to be in the nature of grievance. In this context, I note that the Hon'ble Central Information Commission, in the matter of *Shri Rakesh Kumar vs. CPIO, Ordinance Factory Board* (Order dated June 15, 2017) observed that "*The Commission accepts the stand of the respondent that the RTI Act is not the proper law for the redressal of grievances and there are other appropriate fora for resolving such matters. Hence, no further intervention of the Commission is required in the matter.*" In view of the same, I find that these submissions do not warrant consideration by this forum.
7. 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.
8. The Appeal is accordingly disposed of.

Place: Mumbai

Date: October 12, 2021

B RAJENDRAN

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