

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

Appeal No. 5547 of 2022

Appeal No. 5548 of 2022

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

ORDER

1. The appellant had filed two similar applications dated November 22, 2022 and November 26, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a common letter dated December 16, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. Nos. SEBIH/A/E/22/00681 and SEBIH/A/E/22/00682) dated December 28, 2022. I have carefully considered the applications, the response and the appeals and find that the matter can be decided based on the material available on record.
2. **Ground of appeal-** The appellant has filed the appeals on the ground that access to the requested information was refused. The appellant, in his appeal, submitted that the respondent refused to provide the information while giving frivolous and unlawful reasons. In view of the submissions made by the appellant, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query numbers 1 and 2-** The appellant, vide query numbers 1 and 2, sought the following information pertaining to Show Cause Notice No. NRO/PMS/AK/NK/....102/22 issued to Multibagger Securities Research & Advisory Pvt. Ltd.:

“(1) Pls provide complete copy of file notings which ultimately lead to above mentioned Show Cause Notice.

“(2) Pls provide copy of green sheet on which all the officers signed to issue above Show Cause Notice.”

4. The respondent, in response to the aforesaid query, informed that the requested information is exempt from disclosure under section 8(1)(a) of the RTI Act, since the same pertains to the internal functioning of SEBI and relates to the systems and procedures followed at SEBI. Further, the respondent informed

that the information is strategic in nature and disclosure of the same may hamper the decision making of SEBI in its supervisory and regulatory role.

5. I have perused the queries and the response provided thereto. On consideration, I agree with the response of the respondent that the requested information pertains to information which is strategic and confidential in nature. I find that the disclosure of the requested information would affect and compromise the regulatory functions and role of SEBI. The same may also hamper decision making by SEBI. In light of the same, non-disclosure of information, which is internal to the functioning of the SEBI, will fall within the exemption paved under section 8(1)(a) of the RTI Act. Accordingly, I do not find any deficiency in the response.
6. Further, I find that the requested information also relates to personal information, the disclosure of which has no relationships to any public activity or interest and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety to the person. In this context, reliance is placed on the matter of *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 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"*. In view of these observations, I find that the requested information would qualify for exemption under section 8(1)(g) and 8(1)(j) of the RTI Act. Accordingly, no further intervention is warranted at this stage.
7. **Query numbers 3, 5 and 6-** The appellant, vide query numbers 3, 5 and 6, sought the following information-

"(3) Pls provide outward number automatically generated by computer while preparing above Show Cause Notice.

(5) Honourable District court of Chandigarh passed order for freezing of computer etc of Sebi NRO related to above Show Cause Notice. Pls provide Sebi internal order in this regard which ensured freezing of computer etc for compliance of above order of Honourable Court.

(6) Name of competent authority in Sebi NRO who is authorised to issue Show Cause Notice."

8. The respondent, in response to query number 3, informed the outward number. The respondent also stated that the same is printed on the SCN and is already available with the appellant. With respect to query number 5, the respondent informed that no such notice has been received by SEBI from the Court. Hence, no information can be provided. In response to query number 6, the respondent informed

that the competent authority, to issue Show Cause Notice in the matter of PMS registration application of MSRAPL, is DGM.

9. I have perused the queries and the response provided thereto. On consideration, I find that the respondent has adequately addressed the queries by providing the information available with him. Further, I note that no specific submissions have been made by the appellant with respect to these queries. Accordingly, I do not find any deficiency in the response.

10. **Query number 4-** The appellant, vide query number 4, sought the following information-

“(4) Pls provide name of all employees of Sebi NRO and Sebi HO who gave their approval for issuing this Show Cause Notice.”

11. In response to the aforesaid query, the respondent informed that the requested information is exempt from disclosure in terms of section 8(1)(g) and 8(1)(j) of the RTI Act as the same relates to personal information, the disclosure of which has no relationships to any public activity or interests and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety of the person(s).

12. On perusal of the query and the response provided thereto, I agree with the said response provided by the respondent. As regards the non-disclosure of information relating to the name and details 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) which has already been discussed in paragraph 6 supra. In view of these observations, I do not find any deficiency in the response.

13. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The Appeals are accordingly dismissed.

Place: Mumbai

A SUNIL KUMAR

Date: January 25, 2023

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