

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

Appeal No. 6258 of 2024

Colonel Nutan Prabhat Retd. : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated November 09, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 03, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00298) dated December 15, 2024. 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 November 09, 2024, sought the following information:

*“The SEBI Registration No IN*****816 is existing on SEBI Website in the name of **** Equity Fund as FPI with address ***** with date of Validity upto 07 Mar 25. This entity does not exist on Google map in the given address. It is informed that this Registration Number is being used fraudently by a Company in India for trading in domestic Market. The Indian entity has no GSTIN, PAN or MCA Registration No. They have duped many potential Investors with millions of Rupees.*

Information Sought : Please share the complete details of the person to include Name, Email Id, Mob and Landline Nos alongwith address of the person who had applied for this Registration with SEBI. NOTE: Please see both the pages of the attachment. Page 1 shows, the certificate used by Indian entity and Page 2 is as per SEBI Website”

3. **Reply of the Respondent** - The respondent, in response to the application, informed that the information sought by the appellant relates to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the individual. The same is therefore, exempt u/s 8(1)(j) of the RTI Act. Additionally, the respondent provided information regarding lodging of grievance, if any, on the SCORES portal of SEBI and tracking the status of the same. The respondent also provided the details of the toll free helpline service numbers launched by SEBI to facilitate replies to various queries of the general public on matters relating to securities market.
4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to the information requested. The appellant in his appeal has, *inter alia*, submitted that requested information would aid the investigation agencies in analysing the root cause of financial fraud which had caused undue losses to investors.
5. I have perused the application and the response provided thereto. I note that that the respondent has denied the requested information under section 8(1)(j) of the RTI Act. On consideration, I find that the name, email id, address and mobile and landline no.s of the person who have applied on behalf of the entity for registration with SEBI, sought by the appellant relates to personal information, the disclosure of which may cause unwarranted invasion into the privacy of the individual. In this context, reference is made to the judgment of the Hon'ble Supreme Court of India in the matter of *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarmal* in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010 (judgement dated November 13, 2019) wherein the import of "personal information" envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in other matter(s). The Hon'ble Supreme Court held that: *"59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive..."*

6. Further, I note that the respondent has submitted that a domestic company is fraudulently using the registration number of SEBI registered FPI mentioned in the appellant's application and the requested information would aid the investigation agencies. However, it is not clear how the disclosure of the requested information to appellant would aid in any such investigation. In light of the aforesaid, I find that disclosure of the requested personal information regarding a SEBI registered FPI to the appellant has no relationship to any larger public interest. In this regard, reliance is placed on the matter of the *Bihar Public Service Commission vs. Saiyed Hussain Abbas Rizvi* (Judgement dated December 13, 2012) wherein the Hon'ble Supreme Court, in the context of exemption under Section 8(1)(j) of the RTI Act, had observed that the exemption provided under Section 8 of the Act is the rule and only in exceptional circumstances of larger public interest the information would be disclosed. The relevant observations are mentioned as under:

"22. The expression "public interest" has to be understood in its true connotation so as to give complete meaning to the relevant provisions of the Act. The expression "public interest" must be viewed in its strict sense with all its exceptions so as to justify denial of a statutory exemption in terms of the Act. In its common parlance, the expression "public interest", like "public purpose", is not capable of any precise definition. It does not have a rigid meaning, is elastic and takes its colour from the statute in which it occurs, the concept varying with time and state of society and its needs (State of Bihar v. Kameshwar Singh [MANU/SC/0020/1952 : AIR 1952 SC 252]). It also means the general welfare of the public that warrants recognition and protection; something in which the public as a whole has a stake [Black's Law Dictionary (8th Edn.)]."

23. The satisfaction has to be arrived at by the authorities objectively and the consequences of such disclosure have to be weighed with regard to the circumstances of a given case. The decision has to be based on objective satisfaction recorded for ensuring that larger public interest outweighs unwarranted invasion of privacy or other factors stated in the provision."

7. 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: December 31, 2024

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