

Vinesh K Sanghal : Appellant  
Vs

1. The appellant had filed an application dated November 14, 2024 (received by the SEBI on November 19, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 17, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00002) dated January 01, 2025. 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. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.
3. **Queries in the application** - The appellant, in his application dated November 14, 2024, sought the following information:

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3. A Committee of two persons was constituted by the SEBI to inquire into the affairs of the Company Golden Forests (India) Ltd, at Chandigarh. The said Committee's report was submitted on 21.4.1998 which brought out financial and other irregularities committed by the Company. Kindly give me the copy of the report dated 21.04.1998 submitted by the committee (of two persons was constituted by the SEBI on 21.4.1998) which brought out financial and other irregularities committed by the Company Golden Forests (India) Ltd.

4. Kindly give me the copy of the copy of the Writ Petition No. 344 of 1998 titled as Securities & Exchange Board of India Vs, Golden Forests (India) Ltd filled by the SEBI in the Bombay High Court Mumbai.

5 Kindly also let me know whether SEBI issue notice and filled case against Golden Forests (India) Ltd or issue notice to Golden Project Ltd also. Kindly give copy of complaint received by SEBI against Golden Project Ltd.

6. Kindly also give me copy of Memorandum and Article of Association and list of shareholders submitted by the Company Golden Forests (India) Ltd & Golden Project Ltd. with SEBI.

7 Kindly give me valuation report dated 23.6.1998 prepared by Dr. Namavati regarding the properties of Golden Forests Group of Companies filled by Company Golden Forests (India) Ltd.

8. Kindly also inform whether Golden Forest India Limited is separate company from Golden Project Ltd. and they are separate public ltd company registered with the SEBI under the NSC/BSE/SEBI Act

9. On 9th, 10, & 11th December 1997 during the course of the on-site visit carried by SEBI official advice to furnish further Information to SEBI. Kindly give me the copy of letter issued by SEBI the information asked by the SEBI Official from the company. Kindly also give me the copy of information given by the company to the SEBI.

10. Kindly also give me copy of the complaints filled by the complainant in 1997 against Golden Project Ltd., at Punchkula received by the SEBI on the basis of which inquiry was initiated by Securities & Exchange Board of India (SEBI) against Golden Project LTD at Punchkula in 1997."

4. **Reply of the Respondent** - The respondent, in response to query nos. 1, 2, 3, 6 and 7 in the application, informed that the answers to the aforementioned queries were also sought by the appellant vide his previous RTI application dated March 07, 2022. The respondent also informed that the requisite information was provided by the letter No. CPIO/M/2840/2022 dated March 31, 2022. The respondent also enclosed the said letter in his reply.

The respondent, in response to query no. 4, informed that SEBI is not the primary/principal holder of information sought and that the same is available with the Hon'ble High Court of Bombay in primary capacity. The respondent also mentioned that appellant may seek the requested information from Hon'ble High Court of Bombay, if required.

The respondent, in response to query nos. 5, 8, 9 and 10 informed that appellant's queries are vague and not specific. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

5. I have perused the application and the response provided thereto. With regard to query nos. 1, 2, 3, 6 and 7 in the application, I note that similar queries were sought by the appellant in his earlier RTI application dated March 07, 2022, for which the respondent had already provided the reply vide his letter dated letter No. CPIO/M/2840/2022 dated March 31, 2022. Hence, I find that the said queries are repetitive in nature. In the context of filing repetitive queries under RTI Act, the Hon'ble Central Information Commission (CIC) in the matter of *Shri Ramesh Chand Jain vs. Delhi Transport Corporation, GNCTD, Delhi* (File No. CIC/AD/A/2013/001326-SA decided on June 25, 2014) held that "*The universal principles of civil justice also recognized 'constructive res judicata', which in the RTI context means when an applicant uses an opportunity of obtaining information on a particular subject as per law, he is expected to seek all the related information in that first ever opportunity itself. He cannot file another application for a bit or piece which he forgot to ask, or not advised by his lawyer, or for any other reason. He should ask all possible aspects of information about that subject matter, in the first ever available opportunity. Even if he does not, it is presumed by law that he asked for that and was refused after due trial..... Thus, once information is given, applicant shall not seek the same once again in the guise of different form or language. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI applications will amount to clogging the office of public authority and CPIO would be justified in refusing the same with intimation of reasons. Because the repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office*". In view of the above, I find that no further intervention of this forum is warranted at this stage.
6. With regard to query no. 4, I note that the appellant has sought the copy of the writ petition filed by SEBI before the Hon'ble Bombay High Court. In this context, I note that the Hon'ble CIC in *Shri Amiya Kanti Patnaik Vs. Central Excise Department* (Order dated August 31, 2009), held that: "*14. In my view, the holder of the information in cases where a set of information is held by more than one public authority and, only one of which holds it in*

*original, only the public authority which holds the original of the information / document under a statute, rule, notification or instruction, etc., should be construed to hold that information within the meaning of Section 2(j) of the RTI Act. It is only this public authority which is in a position to decide whether a given information was liable to be disclosed because it is this public authority which is in know of the condition of the submission and retention of the information, the statutory or the other implications of such retention, the status of its confidentiality and the conditions in which either the whole, or a part of the information could be disclosed and whether - if that is the case - such an information is already in the public domain. These determinations could never be made by a public authority which came to receive this information in the form of photocopies - or even in original for a temporary period - for a specific purpose, which in this case is for audit. According to me, the latter public authority is a secondary holder of the information and received this information only incidentally and not directly as the other set of public authorities, who received the information authoritatively under statutes, rules and regulations. The manner in which a set of information / documents / records come into the possession of a public authority is a key determinant of who is the primary holder of such information under Section 2(j). 15. I, therefore, hold that the respondents as the secondary or the incidental holders of the requested information could not decide whether such information is disclosable within the provisions of the RTI Act. This decision can be made only by the primary or the principal holder of this information, which in the present case, is the Registrar of Companies and the Department of Income Tax.” In view of these observations, I agree with the respondent that SEBI is not the primary holder of the information. Hence, the respondent did not have an obligation to provide the information under the RTI Act. Accordingly, I do not find any deficiency in the response.*

7. With respect to query no. 5 in the application, I concur with the response of the respondent appellant's queries are vague, broad and not specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble CIC held: *“The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.”* Accordingly, I do not find any deficiency in the response.

8. With respect to query nos. 8 and 10 in the application, I note that respondent has mentioned in his reply that aforementioned queries are vague and not specific. In this regard, I note similar queries were also sought by the appellant in his earlier RTI application dated March 07, 2022, for which the respondent had already provided the reply vide his letter dated letter No. CPIO/M/2840/2022 dated March 31, 2022. In light of the aforesaid and the decision of Hon'ble CIC in the matter of *Shri Ramesh Chand Jain vs. Delhi Transport Corporation*, cited in the preceding paragraph, I find that no further intervention of this forum is necessary.
9. With respect to query no. 9 in the application, I note that the information sought by the appellant is specific. 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.
10. Considering the above observations, I remit the application to the respondent for *de novo* consideration of query no.9 in the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
11. The Appeal is accordingly disposed of.

Place: Mumbai

Date: January 29, 2025

**RUCHI CHOJER**

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