

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

**Appeal No. 5643 of 2023**

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

**ORDER**

1. The appellant had filed an application dated February 17, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 15, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00071) dated March 31, 2023. The appeal is being taken up for consideration and disposal today due to personal exigency and intervening holidays. 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. **Queries in the application** –The appellant, vide his application dated February 17, 2023, sought the following information:

*“In one RTI number SEBIH/R/E/22/01619 filed by me, I asked this information in point number 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. SEBI through letter no.CPIO/M/2948 & 2970 of 2022, provided this reply to above question number 5 - It is informed that no such notice was received by SEBI from the Court. Hence, no information can be provided. But in reply to my another RTI no. SEBIH/R/E/23/00096, CPIO replied that SEBI has complied with the above mentioned order of Honourable District Court of Chandigarh. Above 2 informations are contradictory and both cannot be correct at the same time.... So it is apparent that CPIO provided misleading information intentionally to mislead me, investors and the country. Pls provide now below information*

(1) *What is source of information in SEBI letter number CPIO/M/2948 & 2970 of 2022 (question no. 5).*

(2) *What is source of information in SEBI letter number CPIO/M/3338/2023 dated Feb 16, 2023."*

3. The respondent, in response to the aforesaid queries, informed that the Court Order dated June 13, 2022 passed by judicial Magistrate (1<sup>st</sup> class), Chandigarh was received by SEBI from the appellant vide his email dated July 14, 2022. The respondent also informed that as the court had passed direction for preserving data/record, the computer system of DGM who had issued the Show Cause Notice has been preserved at SEBI NRO. Accordingly, SEBI has complied with the direction passed by Hon'ble Court under section 91 of CrPC and taken necessary steps in that regard.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, submitted that the respondent refused to provide the requested information based on frivolous and unlawful reasons.
5. I have perused the queries and the response provided thereto. I note that the application No. SEBIH/R/E/22/01619 was received by SEBI on November 22, 2022 and a response was provided to the appellant on December 21, 2022. I note that the respondent, with respect to query number 5 of the application dated November 22, 2022, has specifically provided response with respect to the query raised by the respondent regarding the Order passed by Hon'ble District Court of Chandigarh for '**freezing of computer etc.**' The respondent had clearly informed that the relevant order was not received from the Court. Hence, no information could be provided. Further, I note that the application No. SEBIH/R/E/23/00096 was received by SEBI on January 20, 2023 and the response was provided on February 16, 2023, informing the appellant that SEBI had received the copy of the Order passed by Hon'ble District Court of Chandigarh, vide email dated July 14, 2022 sent by the appellant. The respondent also mentioned that SEBI had complied with the direction passed by the Hon'ble Court directing SEBI to "**preserve the record of computer/dispatch register and internal proceedings only pertain to show cause notice dated 31.03.2022 so that the same may be called for the purpose of evidence, if required at any later stage in the present complaint.**" I note that the information sought by the appellant in his application dated November 22, 2022 and the specific directions passed by the Hon'ble District Court of Chandigarh, are different. On consideration, I find that the respondent has provided the information with respect to these applications, as available on record during the period when the response was provided. In my opinion, there is no contradiction in

the responses provided by the respondent. Further, I note that the respondent has clearly provided the source of information pertaining to responses provided by the respondent. In my opinion, the queries have been adequately addressed and no further intervention of this forum is warranted.

6. 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: May 04, 2023**

**B RAJENDRAN**

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