

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

Appeal No. 6409 of 2025

Tushar Harshadkumar Joshi : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application under the Right to Information Act, 2005 (“**RTI Act**”), which was transferred from Central Vigilance Commission (CVC) to SEBI on May 16, 2025. The respondent, by a letter dated May 28, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00111) dated May 28, 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. **Queries in the application** - The appellant, in his application, sought the following information:

“give a Complain status report and action taken report on CVC register complain NO 21571/2023

give a SEBI CVO Name and Designation all Details

why not action this on complaint ”

3. **Reply of the Respondent** –The respondent, in response to query no. 1 in the application, informed that the status of the complaint No.21571/2023 has been updated on August 03, 2023 on CVC portal as 'Forward for NA, the complaint being administrative in nature' by mentioning the requisite details. Further, the respondent has enclosed with his reply, a copy of the status of the said CVC portal complaint as generated from CVC portal. The same was also informed to the appellant vide CPIO, SEBI's letter No. CPIO/M/1254/2024 dated January 11, 2024.

The respondent, in response to query no. 2, informed that the details of CVO is available on SEBI website.

The respondent, in response to query no. 3, informed that the query is in the nature of seeking clarification/explanation. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. With regard to query nos. 1 and 2, I find that the respondent has adequately addressed the queries by providing the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
6. With regard to query no.3, I concur with the response of the respondent that the query is in the nature of seeking clarification/ opinion from the respondent. I find that the said query cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) wherein Hon'ble Central Information Commission(**CIC**) observed that “7. *The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/ opinion/ advice/ confirmation/ clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/ opinions/ advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him.*” Accordingly, I do not find any deficiency in the response of the respondent.
7. Further, I find that similar queries to query nos. 1 and 3, have been made by the applicant in his earlier RTI application (Reg. No. SEBIH/R/X/00042) dated December 13, 2023, for which the respondent had already provided the reply vide his letter (ref. CPIO/M/1254/2024) dated January 11, 2024. Hence, I find that query nos.1 and 3 are repetitive in nature.
8. In the context of filing repetitive requests under RTI Act, the Hon'ble CIC in the matter of *Dinesh Kumar Kesarwani v. PIO, Allahabad Museum* (CIC/ALDMU/A/2017/102135; Date of decision: 24.04.2017), held that “*Though Right to Information Act, 2005 did not have any specific provision to bar the re-petition for information like*

Section 11 of Code of Civil Procedure, the universal principle of civil justice 'res judicata' will certainly apply and the repeated requests can be denied. ... Engaging with the application which is same or slightly modified request for information which was responded earlier will be certainly against the principles of natural justice – both procedural and substantive, as far as right to information is concerned.”

9. Further, Hon'ble 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) observed: *“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”*. Accordingly, I do not find any deficiency in the response of the respondent.
10. 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: June 23, 2025

RUCHI CHOJER

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