

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

Appeal No. 4320 of 2021

Suraj Joshi : Appellant
Vs
CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated May 19, 2021 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 09, 2021, responded to the application filed by the appellant. The appellant filed an appeal dated June 15, 2021, against the said response dated June 09, 2021. 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 access to the requested information was refused. On perusal of the appeal, it appears that the appellant is not satisfied with the reply to query numbers 2, 7 and 9. In view of the submissions of the appellant, I am only dealing with the said queries, in this appeal.
3. **Query number 2-** The appellant, vide query number 2, sought the following information pertaining to Maitreya Plotters and Structures Pvt. Ltd.:

2. As per the records available with SEBI, has any Individual/Investors/ or any Concerned party has lodged any Complaint against this Company since 2015, if Yes please provide brief details of the same which may include

a) Total number of complaints received each year

b) Mode of receiving complaints stated in point 2 (a) above (Post, email, online, others if any)

4. The respondent, in response to query number 2, informed that the information sought is maintained in separate individual files, placed at multiple locations across SEBI and collating the same for providing response to query would disproportionately divert the resources of the public authority. Hence the same is exempt under section 7(9) of the RTI Act, 2005. The appellant, in his appeal, *inter alia*, submitted that

it was deemed that the information sought by him was only in respect to the information available with SEBI head office.

5. I note that the appellant had requested for number of complaints received each year since 2015, against Maitreya Plotters and Structures Pvt. Ltd. It is understood that the information sought by the appellant, has to be collected and collated from a large amount of data/information maintained in separate individual files which are placed at multiple locations across SEBI. Further, it is understood that providing the said information would require the respondent to analyse the data (with respect to mode of receipt i.e. Post, email, online etc.) and categorise the data as requested in the application. Considering the same, the respondent has rightly observed that providing the information will disproportionately divert the resources of SEBI, and claimed exemption under section 7 (9) of the RTI Act. In this context, I note that the Hon'ble CIC in the matter of *Shri Praveen Agarwal vs. SEBI* (Decision dated October 1, 2008), had held that: *“It is true that given the volume and the complexity of the information requested by the appellant, it would be impossible to locate and collate it without substantial research effort. A public authority cannot be obliged to engage in it for the benefit of an applicant, who may not be the only and, the last such applicant. Many more would want to have this privilege which doubtless would lessen the applicant's research burden while increasing it for the public authority. Considering the fact that the information requested is unarguably in the public domain and that its range and volume is such that it would attract provisions of Section 7(9) of the Act, it is not possible to authorize its disclosure in the form in which the appellant had requested.”* In view of the aforesaid, I find no deficiency in the respondent's response.
6. I note that the appellant, in his appeal, *inter alia*, submitted that the information was deemed to have been sought with respect to the information available with SEBI head office. On plain reading of the application dated May 19, 2021, the same cannot be inferred. I also note that this clarification has been provided by the appellant in his appeal. I am of the opinion that the same does not warrant consideration at this stage.
7. **Query number 7-** The appellant, vide query number 7, sought the following information:

“7. Along with SEBI are there any other Government agencies/Legal force looking after this Case/Complaints, if yes please provide the details of the same.”
8. The respondent, in response to query number 7, informed that the query is in the nature of inquiry/inquisition and hence cannot be construed as “information”, as defined under section 2(f) of the RTI Act, 2005.

9. On a perusal of the instant query of the appellant's application, I agree with the observation of the respondent that the same is in the nature of inquiry/inquisition. Further, I find that the appellant had not requested for any 'information' as defined under section 2(f) of the RTI Act. Notwithstanding the same, I note that the respondent, in response to query number 1 (which has not been specifically dealt in this order), informed that the Hon'ble Nashik District Court has considered the money raised by the company and its directors as deposits under the Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act, 1999 ("MPID Act") and has further directed to form a committee to repay the investors' money. I find that the respondent has already provided the information available with him. In view of the same, I am of the opinion that no interference of this forum is warranted at this stage.

10. **Query number 9-** The appellant, vide query number 9, sought the following information-

9. On Dated 22/05/2017 a complaint letter against this company along with necessary attachments was sent to SEBI BKC office Bandra vide speed post no EM688756650IN (Complaint no 55861). In this regards provide the following information

a) Date when SEBI registered the above Complaint?

b) Name of the officer to whom the Complaint was allotted?

c) Current status of the Complaint?

d) Till Date has been any communication with the complainant with regards to the above complaint lodged ? If Yes Please provide the details of the same

e) Is there any other documentation available in this regards with SEBI ? If yes please provide the details of the same.

11. The respondent, in response to query number 9, observed 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 does not pertain to the appellant and the same relates to personal information with respect to third parties, the disclosure of which has no relationship 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 of the person. The appellant, in his appeal, submitted that the requested information pertains to his father and that the same may be provided to him.

12. On perusal of the queries, I find that the appellant sought information which may relate to personal information with respect to third party and the disclosure has no relationship to any public activity or interest. In my view, the exemption from disclosure under Section 8 (1) (g) and (j) of the RTI Act is not nullified by the fact that the information seeker happens to be related to the complainant. Further, it is

observed that the appellant, in his application, has neither made any submission nor provided any proof to that effect. The appellant has made such submission for the first time in this appeal. Further, no documents have been submitted for substantiating the claim. In this context, I note that similar observations were made by the Hon'ble CIC in the matter of *Shri Kunal vs. CPIO, Syndicate Bank* (Order dated October 06, 2015). In view of the same, I see no ground to fault the decision of the respondent.

13. 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: July 14, 2021

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