

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

Appeal No. 3927 of 2020

Anil Agrawal : Appellant
Vs.
CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated August 25, 2020 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 17, 2020, responded to the application filed by the appellant. The appellant filed an appeal dated September 25, 2020, against the said response dated September 17, 2020. 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 August 25, 2020, sought the following information:
 1. *Copies of the cheques used for alleged diversion of IPO funds from the Bank Accounts of Ravi Kumar Distilleries Ltd Axis Bank Goregaon, Mumbai account transfer of funds of Rs 33.83 crores.*
 2. *Forensic report of the above cheques of Ravi Kumar Distilleries Ltd as given in Point No 1*
3. The respondent, in response to the queries, informed that the requested information is exempt from disclosure under section 8(1)(h) of the RTI Act, the subject matter of the application is under examination and has not reached a logical conclusion and that the disclosure of details related to the matter may impede the process. Further, the respondent also informed that the information sought is available to SEBI in fiduciary capacity and hence, exempt under section 8(1)(e) of the RTI Act.
4. **Ground of appeal**- The appellant has filed the appeal on the ground that incomplete, misleading or false information was provided by the respondent. The appellant, in his appeal, has *inter alia* submitted that SEBI has already passed an order dated March 12, 2019, in the matter of Ravi Kumar Distilleries

Limited. The appellant has also refuted the response of the respondent that information is available with SEBI in fiduciary capacity.

5. In note that the respondent has informed that the subject matter is under examination and the same has not reached a logical conclusion. It is observed that the matter with respect to Ravi Kumar Distilleries Limited, is pending before the Hon'ble Securities Appellate Tribunal (SAT). In light of the same, I find that the matter is sub-judice. In this context, I note that the Hon'ble CIC, in the matter of *Sbri Hooshmand I. Moradian, Pune vs. LIC of India, Mumbai* (Decision dated July 3, 2012), had inter alia held that: "*The Commission would uphold the CPIO's Order (denying to disclose information under section 8(1)(b) of the RTI Act) as the matter is sub judice before the City Civil Court, Mumbai*". In view of these observations, I find that the respondent cannot be obliged to provide the information as sought by the appellant, in his application, since the matter is sub judice. Accordingly, I do not find any deficiency in the response that the requested information is exempt from disclosure under section 8(1)(h) of the RTI Act.
6. Further, I note that the requested information is already exempted from disclosure under one of the provisions of Section 8 of the RTI Act. I do not find it necessary to consider the exemption claimed under any other provision of the RTI Act.
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: October 26, 2020

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