

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
SECURITIES AND EXCHANGE BOARD OF INDIA
Appeal No. 1182 of 2011

Nitin Goel : Appellant

Vs.

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated April 26, 2011 under the Right to Information Act, 2005 (RTI Act) through postal department. The respondent, vide letter dated May 16, 2011, responded to the appellant. Aggrieved by the response with respect to items A(iii)(a) and B of the respondent, the appellant has filed this appeal dated May 24, 2011 through postal department (received on May 27, 2011).

2. I have carefully examined the application, the response and the appeal and find that the matter can be decided on merit based on the material available on record.

3. The appellant had sought copy of the entire office copy records and other records of the pleadings filed by SEBI in a Writ Petition No. 1710 of 2009 before the Hon'ble High Court at Mumbai. The respondent denied the information stating that SEBI Appellate Authority (AA), vide order dated April 11, 2011 (Appeal No. 1120 of 2011), has already rejected the appellant's request for the copy of the pleadings filed by SEBI in the aforementioned case. The appellant has argued that the said order dated April 11, 2011 of the AA is in relation to attested or certified copies of the original pleadings filed by SEBI whereas the present requisition of information is relating to the office copy and other office records of the pleading held by SEBI qua Bombay High Court.

4. I find that the ratio of the decisions of the Hon'ble CIC in the matters of Shri Amiya Kanti Patnaik Vs. Central Excise Department (Order dated August 31, 2009) and Denis Ronald Monteiro Vs. Indian Overseas Bank and Others (Order dated November 23, 2007) relied upon in the aforementioned earlier order dated April 11, 2011 of the AA is applicable for both certified copies and photocopies of the pleadings/petitions. In addition to this, the issue: *"Whether copy of the writ petition sought by appellant can be provided to him under the RTI Act."*

has been considered by the Hon'ble CIC in the matter of Shri R. Ramachandran Vs. CPIO, Supreme Court of India (Order dated December 11, 2006). It answered this issue in negative. In the matter of Shri Vijay Kamble Vs. Customs Department, Mumbai (Order dated March 23, 2009), the Hon'ble CIC held that the RTI Act cannot be invoked to access the information related to a quasi-judicial proceeding and any information relation to such proceedings should be accessed from the quasi judicial authority by invoking the procedure laid down under the law applicable to such proceeding. To arrive at this decision, it has relied upon the full Bench decision of the Hon'ble CIC in the matter of (Rakesh Kumar Gupta Vs. Income Tax Appellate Tribunal) September 18, 2007). Yet another recent order dated April 20, 2011 in the matter of Shri P Vedhagiri Vs. CPIO, Supreme Court of India, the Hon'ble CIC held: *"The Appellant had sought the copies of some orders passed by the Supreme Court in two cases including the copy of the petition. The CPIO had informed him that, as per the rules followed by the Supreme Court, the desired information could be obtained under the relevant rules. We agree with this view."*

5. In view of the above decisions, I agree with the respondent as it is clear that the public authority, who holds copies of the pleading and information filed before a court, is only incidental/secondary holder of the same and the concerned court is the original holder and the relevant public authority to deal with such request and such the information may be obtained as per the rules followed by the court. The appeal is accordingly dismissed.

Place: Mumbai
Date: June 15, 2011

PRASHANT SARAN
APPELLATE AUTHORITY
SECURITIES AND EXCHANGE BOARD OF INDIA