

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

Appeal No. 2893 of 2018

Byragoni Sreenivas Goud	:	Appellant
	Vs.	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant filed an application received at SEBI on November 23, 2017, under the Right to Information Act, 2005 (“**RTI Act**”). The respondent vide letter dated December 21, 2017, responded to the appellant. The appellant filed this Appeal dated January 1, 2018 (received at SEBI on January 3, 2018), against the said response. 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. From the Appeal, I note that the appellant is aggrieved by the respondent’s response to his application.
3. **Queries in the appellant’s application –**
 - i. *“Complete information on SEBI having recovered penalty amount of Rs. 5 Lakhs from Pravin Kumar Tayal as per Supreme Court verdict (dated 26.10.2016 in Shri Pravin Kumar Tayal vs. SEBI, Civil Appeal no. 4958 – 4959) mentioning date of receipt and copies of all correspondence/file notings/ documents, etc. on the matter for imposition of penalty and recovery of penalty amount.*
 - ii. *Names of companies registered with SEBI where Pravin Kumar Tayal is directly or indirectly involved either himself or family members or otherwise mentioning nature of his involvement in the said companies.*
 - iii. *Is SEBI aware of ... thirteen companies floated by Pravin Kumar Tayal in benami names ...*
 - a. *Aksbar Mercantile Private Limited;*
 - b. *Anoop Multi – Trade Private Limited;*
 - c. *Anshul Mercantile Private Limited;*
 - d. *Beta Trading Private Limited;*
 - e. *Inorbit Trading Company Private Limited;*

- f. *Montreal Trading Company Private Limited;*
 - g. *NITI Mercantile Company Private Limited;*
 - h. *Palash Construction Private Limited;*
 - i. *Punit Mercantile Private Limited;*
 - j. *Sarveshwara Trading Company Private Limited;*
 - k. *Superhouse Trading Private Limited;*
 - l. *Watergate Mercantile Company Private Limited;*
 - m. *Vinay Mercantile Private Limited.*
- iv. *Complete information on action taken by SEBI and/or others concerned on such benami involvement of Pravin Kumar Tayal in the above said companies...*
 - v. *Is SEBI aware of cases against Pravin Kumar Tayal as referred in enclosed news clippings.*
 - vi. *Complete information on action taken by SEBI on the enclosed news clippings after taking cognizance either through this RTI application and/or earlier.*
 - vii. *Is SEBI aware about CBI cases as referred hereunder:*
 - a. *RC BSK 2014 E 0005: State (CBI) vs. Saurabh Pravin Tayal and Others.*
 - b. *RC BSK 2014 E 0003: State (CBI) vs. Sanjay Kumar Ram Pratap Tayal and Others.*
 - c. *RC BSK 2014 E 0004: State (CBI) vs. Navin Ram Pratap Tayal and Others.*
 - d. *RC 05 (E)/2016: CBI: BSFC: Mumbai vs. Tayal Group and Others.*
 - e. *RC 08 (E)/2016: CBI: BSFC: Mumbai vs. Tayal Group and Others*
 - viii. *Complete information on action taken by SEBI subsequent to taking cognizance of above referred CBI cases as referred in query above either through this RTI application and/or earlier.*
 - ix. *Any other related information held by SEBI in reference to Pravin Kumar Tayal and/or others in Tayal Group of companies.*
 - x. *File notings on movement of this RTI application."*

4. **Grounds in Appeal** – The appellant has reiterated the request for information contained in his application while submitting that such information was *inter alia* not exempted under Sections 8(1)(g) and 8(1)(j) of the RTI Act. The appellant has also submitted that the respondent may revisit the information sought by him for a response in positive spirit.

5. I have perused the response of the respondent in light of the grievance raised in the Appeal and my observations are as under –

5.1 As regards Query no. (i), from the records made available to me, I note that proceedings arising out of the Adjudicating Officer's Order dated February 14, 2013, in the matter of Bank of Rajasthan are available on the SEBI website i.e. www.sebi.gov.in, a snapshot of which is produced below –

Feb 14, 2013	<i>Adjudication Order in respect of 118 entities in the matter of Bank of Rajasthan Ltd. [Contempt Petition no. 1684-1691/2017 before the Hon'ble Supreme Court of India]</i>
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5.2 I find that the information requested by the appellant through Query no. (ii) is not information available with SEBI and therefore, cannot be provided under the RTI Act. I concur with the response provided by the respondent.

5.3 I find that the request for information made by the appellant through Queries nos. (iii), (v) and (vii) does not qualify as an application seeking 'information' under the RTI Act. I find that the aforementioned Queries were more in the nature of eliciting clarification, opinion, etc. from SEBI. I find that under the RTI Act, the respondent has no obligation to provide any clarification, opinion, etc. to the appellant.

5.4 As regards the request for information made by the appellant through Queries nos. (iv), (vi) and (viii), as informed by the respondent, the appellant may refer to the SEBI website i.e. www.sebi.gov.in under the link: "**Enforcement**" for any enforcement action taken by SEBI against Pravin Kumar Tayal and other entities including those mentioned at Query no. 3 of the appellant's application. I therefore, find no reason to interfere with the respondent's response.

5.5 As also communicated by the respondent, I find that the request for information made by the appellant through Queries nos. (ix)–(x) is not specific. I concur with the response provided by the respondent.

6. The Appeal is accordingly dismissed.

Place: Mumbai

Date: February 5, 2018

**G. MAHALINGAM
APPELLATE AUTHORITY
SECURITIES AND EXCHANGE BOARD OF INDIA**