

Replied ♀

Date: 10 September 2025
Location: New Delhi, India

Sent on

13.10.25

From:



To: Shri Shashikant Nayak
Vice President
First Appellate Authority (FAA)
301 Centre Point Building
Dr. B R Ambedkar Road,
Parel, Mumbai-400012

Subject: An appeal under Section 19 of the Right to Information Act, 2005 ("RTI Act").

Ref: My application for information under the RTI Act, dated 15 July 2025, addressed to Pooja Srivastava, the Central Public Information Officer ("PIO") of Stock Holding Corporation of India Limited ("SHCIL").

Sir,

The undersigned hereby submits an appeal application with the following details:

1. **Officer Name, designation and address (with telephone No.) of PIO against whom the appeal is preferred:**

Pooja Srivastava, Central Public Information Officer of Stock Holding Corporation of India Limited, 301, Centre Point, Parel, Mumbai- 400012 Tel No. 022-61779025, Telephone No- 022-61779025.

2. **Particulars of PIO Orders-Number and date (if any):**

Letter dated 13 August 2025 by Pooja Srivastava, PIO, SHCIL ("RTI Response"), to my Right to Information application dated 15 July 2025 ("RTI Application").

3. The brief facts leading to the present appeal are as follows:

(a) On 15 July 2025, I filed the RTI Application seeking information under Section 6 of the RTI Act, in respect of the following questions:

(i) What are the authorizations and licenses required by an entity for empanelment with SHCIL for the collection of non-judicial stamp duty through the API provided by SHCIL (such as an "online associate")? Please provide the details of such authorizations and licenses, along with the process for obtaining them. ||

(ii) Please provide the list of entities (such as an "online associate") empanelled with SHCIL for electronic collection and payment of non-judicial stamp duty through the API provided by SHCIL.

(iii) Please provide a list of the authorizations obtained by entities (such as an "online associate") empanelled with SHCIL for electronic collection and payment of non-judicial stamp duty through the API provided by SHCIL.

- (iv) Please provide the eligibility criteria for entities (such as an “online associate”) for being provided access to the API provided by SHCIL for electronic collection and payment of non-judicial stamp duty.
- (v) Please provide the details of the authorizations obtained by Desk Nine Private Limited for electronic collection and payment of non-judicial stamp duty through the API provided by SHCIL.
- (vi) Please confirm and provide details of authorizations obtained by Desk Nine Private Limited from relevant state governments for electronic collection and payment of non-judicial stamp duty through the API provided by SHCIL.
- (vii) Please provide the list of states where Desk Nine Private Limited is effecting electronic collection and payment of non-judicial stamp duty through the API provided by SHCIL.

A copy of the RTI application dated 15 July 2025 is annexed to this appeal and marked as *Annexure I*.

- (b) On 13 August 2025, I received the RTI Response, whereby the PIO of SHCIL has *inter alia* failed to provide true and correct information in accordance with the RTI Act. A copy of the RTI Response dated 13 August 2025 is annexed to this appeal and marked as *Annexure II*.
- (c) With respect to the information sought under the aforesaid Paragraph 3(a)(ii), the RTI Response states that three entities are currently empanelled with SHCIL for the collection of stamp duty through API, namely: Desk Nine Private Limited, National e-Governance Services Limited (NeSL), and Legality.
- (d) It is noted that there is no entity operating under the brand name “*Legality*.” There is, however, a company named Grey Swift Private Limited, which operates under the brand name “*Leegality*” and is engaged in the business of collecting stamp duty through API. Furnishing of incorrect or misleading information defeats the very purpose of the RTI Act and adversely affects the right of the applicant to seek information in a transparent manner.
- (e) With respect to the information sought under the aforesaid Paragraph 3(a)(v), the RTI Response stated that the information requested cannot be provided. The refusal has been made on the basis that the information is exempted under Section 8(1)(d) and Section 8(1)(e) of the RTI Act, as it is considered to contain elements of commercial confidence and trade secrets. The RTI Response further mentioned that no public interest exists which would justify the disclosure of such information.
- (f) However, this is unsupported in law and the RTI Act, and it is false that the information contains elements of commercial confidence and trade secrets and that no public interest exists which would justify the disclosure of such information. As stamp duty is a payment made to the Government of India or a State Government, the public has the right to know whether an entity has been duly authorized by SHCIL for the collection of stamp duty. Given that SHCIL is permitting Desk Nine Private Limited to collect stamp duty, SHCIL has a duty to disclose the specific permissions and authorizations that have been given by SHCIL to Desk Nine Private Limited in this regard. This information pertains to SHCIL as well, since SHCIL, as an instrumentality of the Government of India, cannot permit the collection of stamp duty unless the relevant collection entity has all relevant authorizations in place.

- (g) With respect to the information sought under the aforesaid Paragraph 3(a)(vi), the RTI Response stated that the information requested cannot be provided. The refusal has been made on the basis that the information is exempted under Section 8(1)(d) and Section 8(1)(e) of the RTI Act, as it is considered to contain elements of commercial confidence and trade secrets. The RTI Response further mentioned that no public interest exists which would justify the disclosure of such information.
- (h) However, as mentioned for the aforesaid Paragraph 3(a)(v), this is unsupported in law and the RTI Act, and it is false that the information contains elements of commercial confidence and trade secrets and that no public interest exists which would justify the disclosure of such information.
- (i) With respect to the information sought under the aforesaid Paragraph 3(a)(vii), the RTI Response stated that the information requested cannot be provided. The refusal has been made on the basis that the information is exempted under Section 8(1)(d) and Section 8(1)(e) of the RTI Act, as it is considered to contain elements of commercial confidence and trade secrets. The RTI Response further mentioned that no public interest exists which would justify the disclosure of such information.
- (j) However, as mentioned for the aforesaid Paragraph 3(a)(v), this is unsupported in law and the RTI Act, and it is false that the information contains elements of commercial confidence and trade secrets and that no public interest exists which would justify the disclosure of such information.
- (k) Additionally, and in this connection, it is to be noted that an RTI application was filed on 20 September 2023 before IFCI Limited seeking similar information, which was subsequently transferred to SHCIL. SHCIL, through its PIO, furnished a response to that application on 18 October 2023. In the said response, SHCIL had disclosed that Desk Nine Private Limited was engaged in the procurement of e-stamps in the states of Delhi, Gujarat, Tamil Nadu, Karnataka, and Rajasthan. A copy of the RTI response dated 18 October 2023 has been annexed to this appeal and marked as *Annexure III*.

4. **Prayer / Relief Sought**

In light of the above-stated facts, it is respectfully prayed that this Hon'ble First Appellate Authority may be pleased:

- (a) To rectify the error and provide the true, correct, and accurate information with respect to the entities empanelled with SHCIL for the collection of stamp duty through API, as sought under the aforesaid Paragraph 3(a)(ii).
- (b) To provide true, correct and complete information with respect to the information sought under Paragraph 3(a)(v) of the RTI Application as the same is required to be disclosed under the RTI Act and is not exempted under Section 8(1)(d) and Section 8(1)(e) of the RTI Act.
- (c) To provide true, correct and complete information with respect to the information sought under Paragraph 3(a)(vi) of the RTI Application as the same is required to be disclosed under the RTI Act and is not exempted under Section 8(1)(d) and Section 8(1)(e) of the RTI Act.
- (d) To provide true, correct and complete information with respect to the information sought under Paragraph 3(a)(vii) of the RTI Application as the same is required to be disclosed under the RTI Act and is not exempted under Section 8(1)(d) and Section 8(1)(e) of the RTI Act and particularly, since similar information has earlier been provided by SHCIL.

- (e) Pass such further directions or orders as this Hon'ble First Appellate Authority may deem fit, in good faith and in the interest of justice.

5. **Grounds for the Prayer / relief**

- (a) The information furnished in the RTI Response, with respect to the information sought under Paragraph 3(a)(ii), is incorrect. The response states that one of the entities empanelled with SHCIL for the collection of stamp duty through API is "**Legality**." However, it must be noted that there exists no entity operating under the brand name "Legality."
- (b) It is submitted that there is, in fact, a company by the name of Grey Swift Private Limited, which operates under the brand name "**Leegality**," and is engaged in the business of collection of stamp duty through API. The reference to "Legality" in the RTI Response is, therefore, factually inaccurate and misleading. Under Section 3 of the RTI Act, every citizen has the right to obtain true, correct, and accurate information from public authorities. Furnishing of incorrect or misleading information defeats the very purpose of the RTI Act and adversely affects the right of the applicant to seek information in a transparent manner.
- (c) It is respectfully submitted before this Hon'ble First Appellate Authority that the denial of information sought under Paragraphs 3(a)(v), 3(a)(vi) and 3(a)(vii) is unjust, unreasonable, arbitrary, and without valid justification. SHCIL has refused disclosures by citing Section 8(1)(d) and Section 8(1)(e) of the RTI Act, claiming that the information relates to commercial confidence and trade secrets and that no larger public interest is involved.
- (d) However, as mentioned above, as stamp duty is a payment made to the Government of India or a State Government, the public has the right to know whether an entity has been duly authorized by SHCIL or the relevant state governments for the collection of stamp duty. In collecting such stamp duty, SHCIL and its appointees are discharging a sovereign function and therefore, information pertaining to the authorizations and permissions for collection of the same cannot be denied on the basis that the same is commercial confidence, trade secret or that no larger public interest is involved.
- (e) SHCIL acts as the Central Record Keeping Agency (CRA) appointed by various states for this purpose. The authorization of a private entity like Desk Nine Private Limited to participate in this process is a matter of public administration and accountability and given that SHCIL is permitting Desk Nine Private Limited to collect stamp duty, SHCIL has a duty to disclose the specific permissions and authorizations that have been obtained by Desk Nine Private Limited in this regard and the states wherein such authorisations have been received by Desk Nine Private Limited. The information does not in any way pertain to a private commercial transaction but to the delegation of a sovereign function of the State, which is being performed by SHCIL. No information is being sought on the terms of the commercial arrangement between SHCIL and Desk Nine Private Limited, but rather on the permissions of Desk Nine Private Limited to discharge a delegated sovereign function of the collection of stamp duty.
- (f) This information is also related to the functioning and approvals of SHCIL, since SHCIL, as an instrumentality of the Government of India, cannot permit the collection of stamp duty unless the relevant collection entity has all requisite authorizations in place. SHCIL is legally bound to disclose the information sought by the applicant since it is entirely information that should be made public for the public to be certain of the discharge of a public function by SHCIL.
- (g) Authorizations for the collection of stamp duty are, ultimately, provided by the Government or, in this case, SCHIL while discharging the function of the Government. The list of authorized and operational areas is a factual record of business operations and is not in any way any proprietary information or does harm the competitive position of Desk Nine Private

Limited. The information would not reveal any strategic financial data, operational costs, or commercial terms of Desk Nine Private Limited's engagement / authorization with SHCIL, and SHCIL does not have any fiduciary obligations towards Desk Nine Private Limited, emanating from law or otherwise.

- (h) Specifically, in the case of the information sought under Paragraph 3(a)(vii), it is a matter of record that similar information has previously been disclosed by SHCIL in response to an RTI Application filed by another individual.
- (i) The refusal in my case amounts to arbitrary and discriminatory treatment, which is violative of Article 14 of the Constitution of India, which guarantees non-arbitrary treatment and equality before law and equal protection of the laws.
- (j) Additionally, the refusal of information in the present case, despite disclosure of similar information to others, is arbitrary and discriminatory. Such an arbitrary action by SHCIL is impermissible under law and violates the principles of fairness, transparency, and equality guaranteed under Article 14 of the Constitution of India.
- (k) The right to information is a facet of the fundamental right to free speech and expression under Article 19(1)(a) of the Constitution of India. The right to free speech is effective only when citizens have access to complete and accurate information from public authorities. Denial of such information defeats the purpose of transparency and accountability, which the RTI Act was enacted to secure. In this regard, reliance is placed on *Chief Information Commissioner v. State of Manipur, (2011) 15 SCC 1*, wherein the Hon'ble Supreme Court observed as under:
- "It is, therefore, clear from the ratio in the above decisions of the Constitution Bench of this Court that the right to information, which is basically founded on the right to know, is an intrinsic part of the fundamental right to free speech and expression guaranteed under Article 19(1)(a) of the Constitution. The said Act was, thus, enacted to consolidate the fundamental right of free speech."*
- (l) We may also refer to the celebrated decision in *State of Uttar Pradesh v. Raj Narain, (1975) 4 SCC 428*, where the Supreme Court stated the following:
- "In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can but few secrets. The people of this country have a right to know every public act, everything, that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security."*
- (m) Additionally, in *People's Union for Civil Liberties v. Union of India*, the Supreme Court, AIR 2004 SC 1442 has recognised the right to be granted by the RTI Act to be in the nature of a fundamental right and held that *"Right of information is a facet of 'speech and expression' as contained in Article 19(1)(a) of the Constitution of India. Right of information, thus, indisputably is a fundamental right."*
- (n) In view of the above, it is humbly submitted that the refusal to provide information by SHCIL is arbitrary, discriminatory, and violative of the RTI Act as well as Articles 14 and 19 of the Constitution of India.
6. I attest that all the information in this application is true and correct to my knowledge.

7. Index of documents in support of appeal:

- a. A copy of the RTI application dated 15 July 2025, along with the postal order payment details.
- b. A copy of the RTI Response dated 13 August 2025
- c. A copy of the RTI response dated 18 October 2023

