

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

Appeal No. 5800 of 2023

J. Selvam	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 15, 2023 (received by Securities and Exchange Board of India {hereinafter referred to as “SEBI”} on July 17, 2023) under the Right to Information Act, 2005 (hereinafter referred to as “RTI Act”). The respondent, by a letter dated August 10, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated September 15, 2023 (received by the Office of Appellate Authority on September 21, 2023). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Request raised in the application-** The appellant, in his application dated July 15, 2023 sought the following information:
 - “1) *Furnish the copy of the Norms ordered which enables the Trading Member to square off the position. Shares and to execute the trade without the authorisation/ consent of the client.*
 - 2) *Kindly furnish the copy of the electronic record / e-mail / postal receipt if any send by (Trading Member Fortune Capital Services Pvt Ltd) to my favour since 1st June 2023 to 29.06.2023 in respect of my the NSE Circular Ref. No. 14/2023, dated 01.06.2023*
 - 3) *In bill summary of vallan FO 20230620 dated 20.06.2023 (copy enclosed) amount 1136.81 has been deducted from my trading account. Out of the send amount of Rs.1136.81 kindly furnish the particulars relating to actual amount entitled or given to trading members Fortune Capital Services (Pvt). Ltd., Chennai”*
3. The respondent, in response to the aforesaid request vide letter dated August 10, 2023 informed the appellant as follows:

“Reply to the Query 1:

Your Query is vague and not clear. Accordingly, the same cannot be construed as “information”, as defined u/s 2(f) of the RTI Act, 2005.

Reply to the Queries 2 and 3:

The information sought by you is not maintained by SEBI in normal course of regulation of securities market. Hence the same is not available with SEBI.”

4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, with respect to request no. 1, *inter alia*, submitted that the respondent has failed to furnish the information. With respect to request nos. 2 & 3, the appellant has *inter alia* submitted that the information may be furnished to him to enable him to initiate necessary action for the loss suffered by him on account of the Trading member.
5. **Request number 1-** The appellant vide request no. 1 had sought “...*copy of the Norms which enables the Trading Member to square off the position. Shares and to execute the trade without the authorisation/ consent of the client.* On perusal of the application and the response of the respondent, I concur with the response of the respondent that the said request of the appellant is vague and not specific. In this regard I note that the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) in the matter of *Ms. Sarika Jain vs National Hydroelectric Power Corporation Limited* (order dated April 25, 2014) held that “*As regards the first part i.e. copies of all documents in relation to the contracts mentioned in the RTI application, the Commission finds that the term “all” used by the Appellant here is very vague and does not pin point the particular document she wants to obtain from the Respondents. The Appellant is, therefore, advised to be more specific and identify the documents she wants to obtain from the Respondents ...*”
6. **Request numbers 2 and 3-** With respect to request numbers 2 & 3, I note that the respondent has categorically stated that the requested information is not available with SEBI as the same is not maintained by SEBI in normal course of regulation of securities market. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon’ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors*, 2011 (8) SCC 497 (Judgment dated August 9, 2011) held that “*The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information,*

subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.” On consideration, I find that the application has been adequately addressed and I do not find any deficiency in the response.

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 09, 2022

B RAJENDRAN

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