

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

Appeal Nos. 5989 and 5990 of 2024

Ramchand Karunakaran	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed two applications (Reg. No. SEBIH/R/E/24/00432 and Reg. No. SEBIH/R/E/24/00398) dated April 11, 2024 and April 12, 2024, respectively (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by letter dated April 22, 2024 responded to the aforesaid applications filed by the appellant. The appellant filed appeal (Reg. No. SEBIH/A/E/24/00081) dated April 22, 2024 with respect to application Reg. No. SEBIH/R/E/24/00432 and appeal (Reg. No. SEBIH/A/E/24/00083) dated April 23, 2024 with respect to application Reg. No. SEBIH/R/E/24/00398. It is observed that both the aforesaid applications are similar in nature. I have carefully considered the applications, the response and the appeals and find that the matter can be decided based on the material available on record.

2. **Request in the applications** - The respondent vide application (Reg. No. SEBIH/R/E/24/00432) sought the following information: “*Please let me know if my PAN AAAPR4142A IS ON BANNED LIST BY SEBI IF SO, WHY?*”

The respondent vide application (Reg. No. SEBIH/R/E/24/00398) sought the following information:

1. Whether my PAN AAAPR4142A is under the barred list of SEBI as Mutual Funds in which I have an investment in say that no change of address or changing bank mandate can be done due to this barring;

2. If yes, the reason for the same

3. If no, please issue a certificate to me saying that there is no bar imposed by SEBI on my PAN

3. **Reply of the Respondent** - The respondent, in response to both the applications informed that Mr. Ramchand Karunakaran is not “barred” by SEBI. However, as per the ‘List of debarred entities based on

orders/directions of other Competent Authorities' on NSE website, the PAN of Mr. Ramchand Karunakaran (AAAPR4142A) is appearing in debarred list by other Competent Authorities. The respondent provided the relevant link to access the said information and also informed that the same is available on public domain.

4. **Ground of appeal** - On perusal of the appeal, it appears that the respondent is not satisfied with the reply of the respondent.
5. I have perused the aforesaid applications and response provided thereto. On consideration, I note that the information sought by the appellant is available in public domain and I find that the respondent has guided the appellant to access the same on NSE website. In this context, the Hon'ble Delhi High Court, in the matter of *Registrar of Companies & Ors. Vs. Dharmendra Kumar Garg & Anr.* and the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") in the matter of *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007), *inter alia*, observed that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. Further, on perusal of the appeal, it appears that the appellant is questioning the correctness/veracity of the information provided by the respondent. In this context, it is observed that the Hon'ble High Court of Delhi in *Hansi Rawat & Anr. vs Punjab National Bank & Ors.* (LPA No. 785/2012-decision dated January 11, 2013) held that "*The question, as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, is to be drawn in the said proceedings and as aforesaid the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished.*" Accordingly, I do not find any deficiency in the response of the Respondent.
6. 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: May 7, 2024

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