

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

Appeal No.5145 of 2022

J P Gautam	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 01, 2022 (received by SEBI on May 07, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated June 16, 2022 (received by the Office of Appellate Authority on June 24, 2022). 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. **Ground of appeal-** The appellant, in his appeal, sought full details of each and every information sought by him, along with vouchers of 10 years. I am dealing with the queries and the response provided thereto in the following paragraphs.
3. **Query numbers 1(a) to 1(d) and 2(a) to 2(d)-** The appellant, vide query numbers 1(a) to 1(d), *inter alia*, sought year wise report regarding amount spent by SEBI during last 10 years in Print media, Digital media, TV Channel and Electronic media, in India and Foreign country. The appellant, vide query numbers 2(a) to 2(d), *inter alia*, sought year wise report regarding GST amount paid (since the time GST is applicable) in Print media, Digital media, TV Channel and Electronic media, in India and Foreign country.
4. The respondent, in response to the aforesaid queries, provided the year wise Media expenditure (including Print media, digital media, TV and electronic media) incurred by SEBI and GST paid by SEBI (since 2017).
5. I have perused the queries and the response provided thereto. I note that the respondent has provided the year wise information regarding media expenditure and GST payments, a tabular format. On consideration, I find that the respondent has adequately addressed the queries by providing the

information available with him. Further, I note that the respondent, in his appeal, has not made any specific submission regarding the response provided by the respondent. In view of the same, I do not find any deficiency in the response.

6. **Query number 2(e)**- The appellant, vide query number 2(e), *inter alia*, sought CSR related expenditure for last 10 years.
7. The respondent, in response to the aforesaid query, informed that the requested information is not available with SEBI as the same does not pertain to SEBI.
8. On consideration, I find no reason to disbelieve the response of the respondent that the requested information is not available with SEBI. I note that the Hon'ble CIC in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: "... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given." In view of the same, I do not find any deficiency in the response.
9. **Query number 3**- The appellant, vide query number 3, *inter alia*, sought information regarding money spent by Chairman, MD & CEO and all GM in national and international tour. The respondent, in his appeal, requested to provide information along with vouchers for the last 10 years.
10. With respect to query number 3, I find that same has not been addressed by the respondent. The respondent was obliged to ascertain availability of the requested information with SEBI and whether the same may be provided to the appellant in accordance with the provisions of the RTI Act. Therefore, the respondent shall consider the query and provide an appropriate response.
11. Considering the above observations, I remit the matter to the respondent for considering query number 3 of the application dated May 01, 2022, and to send appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
12. The Appeal is accordingly disposed of.

Place: Mumbai

Date: July 19, 2022

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