

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

Appeal No. 4306 of 2021

Appeal No. 4307 of 2021

Geeta Khattar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 14, 2021 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 07, 2021, responded to the application filed by the appellant. The appellant filed two similar appeals dated June 14, 2021 (SEBIH/A/E/21/00210 and SEBIH/A/E/21/00211) against the said response dated May 07, 2021. I have carefully considered the application, the response and the appeals and find that the matter can be decided based on the material available on record.
2. **Ground of appeal-** On perusal of the appeals, it appears that the appellant is not satisfied with the response provided with respect to query number 3 of her application. In view of the submissions of the appellant, I am only dealing with the said query, in this appeal.
3. **Query number 3** –The appellant, vide query number 3 of her application dated April 14, 2021, *inter alia*, sought copy of the letter ref. no. KS/COMPLIANCE/NSE/CORR/.....1 which was requested under the email dated 17 July, 2020. The appellant, in her appeals, requested that the requested information which is available with NSE, may be sought and provided to her.
4. The respondent in response to the query number 3, informed that the query is in the nature of seeking clarification/opinion and accordingly, cannot be construed as seeking “information” as defined under section 2(f) of the RTI Act. However, the respondent informed that the letter no. KS/COMPLIANCE/NSE/CORR/.....1 does not seem to be issued by SEBI.
5. On perusal of the query, I do not find any reason to disbelieve the observation of the respondent that the letter under reference, was not issued by SEBI. It is understood that the same is not available with

SEBI. In this context, 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 these observations, I find that the information sought by the appellant was not available with SEBI and therefore, the respondent cannot be obliged to provide such non-available information.

6. Further, the appellant, in her appeals, submitted that the requested data is available with NSE and has requested SEBI to seek information from them. I find that the respondent is only expected to see that the information to be furnished to an applicant is the one which exists with the public authority when it receives an application under the RTI Act. The respondent is not expected to obtain any information from the stock exchanges for the sole purpose of providing the same to an applicant under the RTI Act.
7. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The appeals are accordingly dismissed.

Place: Mumbai

Date: July 12, 2021

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