

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

Appeal No. 6225 of 2024

Vipul Shah	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 08, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 04, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00272) dated November 09, 2024. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record.
2. **Request in the application** - The appellant, vide his application dated October 08, 2024, sought the following information:

“Provide me the Order Wise Details for transacted order on Bombay Stock Exchange & National Stock Exchange for below scrips traded for the 07th Oct 2024, between 2.35 PM to 3.10 PM

HDFCBANK

BANKBARODA

SBIN

CANBK

YESBANK

ICICIBANK

AXISBANK

KOTAKBANK

FEDERALBNK

INDUSINDBK “

3. **Reply of the Respondent** - The respondent, in response to request in the application, informed that the information sought by the appellant is not maintained by SEBI in normal course of regulation of securities market. Hence, the same is not available with SEBI. However, the respondent also informed that the information pertaining to market data of various securities is available on the website of NSE and BSE and provided the links for accessing the same.
4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to the information requested.
5. I have perused the application and the response provided thereto. I note that the respondent has categorically stated that the requested information is not available with SEBI. I do not have any reason to disbelieve the said response of the respondent. 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* (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.” Further, the per the submissions of the appellant, in his appeal, it appears that the appellant expects SEBI to collect and compile the information for the appellant from BSE & NSE (hereinafter referred to as “**Exchanges**”). In the context of power to seek information from Exchanges, I note that the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”), in the matter of *Shri P. Balachandrar vs. CPIO, Securities and Exchange Board of India* (Decision dated March 29, 2012), had held that “The power vested in SEBI to call for any information from a recognised stock exchange is based on its satisfaction that it is in the interest of trade or public interest to do so. This does

*not give an unfettered power to the SEBI to call for information from any stock exchange on the request of a citizen under the Right to Information Act". Further, a similar view was adopted by the Hon'ble CIC in the matter of *Shri Narotam Dass Goel vs. CPIO, Securities and Exchange Board of India* (Decision dated July 9, 2012). 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 has categorically stated in his response that the information sought was not available with SEBI. I am of the view that the respondent is not required to obtain such information not available with/held by SEBI, for the sole purpose of providing the same to an applicant under the RTI Act. 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: December 02, 2024

RUCHI CHOJER

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