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

Appeal No. 4800 of 2022

Yogesh B Mehta	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 13, 2022 (received by SEBI on January 14, 2022) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated February 09, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated March 12, 2022 (received by the Office of Appellate Authority on March 16, 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**- On perusal of the appeal, it appears that the appellant is not satisfied with the reply provided by the respondent. In view of the submissions of the appellant, I am dealing with the queries and the response provided thereto, in the following paragraphs.

3. **Query number 1**- The appellant, vide query number 1, sought the following information-

> *"1. Certified Copies of all the Actions Taken Reports by SEBI after the receipt of the letter dated 29.09.2021 received by SEBI's inward no. 45517 dated 01.10.2021"*

4. The respondent, in response to the aforesaid query, informed that the matter pertains to old complaint and the appellant has already been informed of the action taken by SEBI. Hence, no further action was taken on the letter dated September 29, 2021. The appellant, in his appeal, *inter alia*, submitted that certified copy was not provided.

5. I have perused the query and the response provided thereto. I note that the respondent has clearly stated that no further action was taken on the letter referred to by the appellant. I do not find any reason to disbelieve the said statement. In view of the same, no question of providing certified copy

arises. On consideration, I find that the respondent has addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.

6. **Query number 2-** The appellant vide query number 2, sought the following information-

> *"2. Certified copies of SEBI-SCORES having Registration No. SEBIP/MH21/0002209/1, all the papers/documents exchange between SEBI and BSE Ltd. (Which was forwarded to BSE Ltd. as per (status date 27.12.2021) SEBI-SCORES remarks….."*

7. The respondent, in response to the aforesaid query, informed that the SCORES Complaint lodged by the appellant was duly resolved and the same was intimated to the appellant as well with the remarks of SEBI. The respondent also observed that the requirement of providing certified copy of the SCORES complaint under consideration, does not arise.

8. I have perused the query and the response provided by the respondent. I note that the appellant was informed that the complaint lodged by the appellant was duly resolved and that the same was intimated to the appellant. I note that all the complaints which are lodged in the SCORES system, the related correspondence, Action History etc., can be accessed online on SCORES portal under the tab "View Complaint Status" by providing the complaint registration number and password, which is allotted at the time of registering the complaint. I note that the complaint referred in the application was filed in the SCORES portal through online mechanism and therefore the information sought by the appellant is available to him through the online mechanism. I agree with the observation of the respondent with respect to providing of certified copies. Accordingly, I do not find any deficiency in the response.

9. **Query numbers 3 and 4**- The appellant, vide query number 3, *inter alia*, sought the certified copy of SEBI's Email dated May 17, 2019 forwarded by SEBI officer at 11:55am to BSE Ltd about 6 immovable properties as claimed by BSE in its RHP dated January 11, 2017. Vide query number 4, the appellant sought certified copy of BSE's reply dated May 22, 2019 at 6:56 pm addressed to SEBI.

10. The respondent, in response to the aforesaid queries, provided copy of the SEBI's email dated May 17, 2019 and copy of BSE's reply dated May 22, 2019. The appellant, in his appeal, submitted that inspection, file noting and certified copy was not provided by the respondent.

11. On consideration, I note that the respondent has provided the copy of the emails sought by the appellant, after severing the information exempted from disclosure. I note that the appellant had

sought certified copies of the emails referred to in the queries. On consideration, I find that the respondent has neither provided the certified copies nor explained the reasons why the same is not provided. Therefore, the respondent shall reconsider the request and provide an appropriate response thereon.

12. **Query number 5-** The appellant, vide query number 5, sought the following information-

> *"5. Certified copies of SEBI's gazette dated 20-05-2005, Order u/s 4B(6) r/w Section 4B(7) of SCRA 1956 in the matter of BSE (Corporatisation & Demutualisation) Scheme, 5005. Notification No. S.O,684 dt. 20-5-2005*"

13. The respondent, in response to the aforesaid query, informed that the information is available on SEBI website. The respondent also provided the link for accessing the same. The appellant, in his appeal, submitted that certified copy was not provided by the respondent.

14. I have perused the query and the response provided thereto. I note that the respondent has informed regarding availability of the requested information on the SEBI website. In this context, the Hon'ble Delhi High Court in *Registrar of Companies & Ors. Vs. Dharmendra Kumar Garg & Anr.* and the Hon'ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held 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. Notwithstanding the same, I also note that the respondent has adequately guided the appellant to access the information on the SEBI website. Accordingly, I do not find any deficiency in the response.

15. **Query number 6**- The appellant, vide query number 6, sought the following information-

> *"6. Certified copies of SEBI's Gazette dated 29.06.2007 No SEBI/MRD/DSA/97289/2007 referring earlier gazette u/s 4B (6) r/w Section 4B (7) of SCRA 1956 in the matter of BSE (Corporatisation & Demutualization) Scheme, 2005 vide Notification No SO 684 dated 20.05.2005."*

16. The respondent, in response to the aforesaid query, provided copy of the requested information. The respondent also advised the appellant to seek certified copy of eligible documents under SEBI Circular dated April 04, 2019.

17. I have perused the query and the response provided thereto. I note that the requested information is available in public domain. In view of the judgment discussed at paragraph 14 supra, I find there is no obligation to provide such information to an applicant under the RTI Act. Notwithstanding the same, I note that the respondent has provided a copy of the Gazette Notification dated 29.06.2007. Accordingly, I do not find any deficiency in the response.

18. Further, the appellant, in his appeal, has made submission general submission regarding all the queries that inspection and file notings were not provided by the respondent. In this regard, I note that the appellant has not specifically sought inspection and file notings with respect to the individual queries raised in his application. In my opinion, the submissions regarding inspection and file notings, do not warrant consideration at this stage.

19. Considering the above observations, I remit the matter to the respondent for *de novo* consideration of the query numbers 3 and 4 with respect to certified copies 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.

20. The Appeal is accordingly disposed of.

Place: Mumbai
Date: April 13, 2022

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