

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

Appeal No. 5627 of 2023

Prasenjit Bose	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 08, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 08, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00061) dated March 13, 2023. 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. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. In view of the submissions made by the appellant in his appeal, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Queries in the application** –The appellant, vide his application dated February 08, 2023, sought the following information:

“I. What proportion of the follow-on public offer (FPO) was subscribed by the investors before the offer was closed?

II. Please provide investor-wise and amount-wise subscription details for the Adani Enterprises FPO.

III. On what ground(s) was the follow-on public offer (FPO) by the Adani Enterprises withdrawn?

IV. Please share copies of all communication between the Adani Enterprises and the Securities and Exchange Board of India related to the FPO.”
4. The respondent, in response to the aforesaid queries, informed that the information sought is not available with SEBI. The appellant, in his appeal, *inter alia*, submitted the public has a right to know the

underlying facts and circumstances which led to events such as withdrawing of FPO by Adani Enterprises.

5. I have perused the queries and the response provided thereto. On consideration, I do not find any reason to disbelieve the response provided by the respondent that the requested information is not available with SEBI. In this regard, 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. 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.*" In view of these observations, I find that the respondent has adequately addressed the queries as per available records. Accordingly, I do not find any deficiency in the response.
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: April 13, 2023

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