

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

Appeal No. 5946 of 2024

Shashi Mehrotra	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 04, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 20, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00048) dated March 08, 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. **Requests in the application** –The appellant, vide his application dated February 04, 2024, sought the following information:

- “1. With reference to the email from defaultisc@nse.co.in dated 5-01-2024 and 1-02- 2024 for reference please provide the total count of members in the IPFT committee.*
- 2. With reference to the current IPFT committee , please provide the name / official contact number / official email address of each of the members of IPFT committee.*
- 3. With reference to IPFT committee as mentioned by defaultisc@nse.co.in dated 5-01- 2024 and 1-02-2024 please provide the count and dates that they have scheduled a meeting since 1-09-2023 – till date*
- 4. With reference to the defaultisc@nse.co.in dated 1-02-2024 and I quote “In this connection we would like to inform that the claim shall be paid on approval by IPFT.” Please provide the maximum time limit that IPFT can hold upon the claim as per rules.*
- 5. Please provide the date when my claim was placed in IPFT committee .*
- 6. Please provide the maximum time limit in which payment is done to the victim after approved by IPFT as per rules .*
- 7. Please refer to my default application NSELUC/0036779/ 20-21/DCS/REV1 and refer the defaultisc@nse.co.in dated 5-01-2024 and I quoted “Further, amount of Rs.53466.76/- is admitted and will be released out of IPFT.” You are requested to please share the logic and detailed bifurcation of the how this amount was reached upon . I would like to update you that I tried to contact NSE regarding clarification but NSE has been non responsive regarding the issue which raises concern .*
- 8. Please provide the count of total employee working in defaulter section of NSE.*

9. *With reference to defaulter committee Defaulters' Section of NSE please provide Name / Official Phone Number / Official Email id of each member .*
10. *Please provide name of person of Defaulters' Section of NSE who initiated email dated 5-01-2024 (refer attachment).*
11. *Please provide name of person of Defaulters' Section of NSE who initiated email dated 1-02-2024 (refer attachment).*
12. *Please provide the action taken against the concerned officer of NSE For providing wrong / false information on email dated 5-01-2024 and 2-02-2024 that was denied by SEBI Via reply to RTI dated 3-02-2024 and I quote[Find the attachment]"*

3. **Reply of the Respondent** – The respondent, in response to the application, informed that the information sought is not available with SEBI. Further, the respondent provided information regarding lodging of grievance, if any, on the SCORES portal of Securities and Exchange Board of India (hereinafter referred to as “SEBI”) and tracking the status of the same. The respondent also provided the toll free helpline numbers launched by SEBI to facilitate replies to various queries of the general public on matters related to securities market. Additionally, the appellant was advised to refer to the FAQs on “Investor Grievances- SCORES”, available on the SEBI website and was also provided the link for accessing the same.
4. **Ground of appeal** - The appellant has filed the appeal on the ground that he was refused access to requested information.
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 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.*” Accordingly, I do not find any deficiency in the response of the respondent. I also find that the appeal of the appellant is more in the nature of grievance. I note that redressal of grievance does not come under the purview of the RTI Act. In this context, I note that the Hon’ble Central Information Commission, in the matter of *Mr. Surendra Vishwakarma vs. President Secretariat* (Order dated April 29, 2016) observed that “*In this context, we note that the RTI Act cannot be used to make the respondent to do certain things or take certain*

action for the reason that the Act is not the proper law for redressal of grievances/ disputes and there are other appropriate forum(s) for resolving such matters.”

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 4, 2024

B RAJENDRAN

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