

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

Appeal No. 5977 of 2024

Dhanraj Bagrecha	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/P/24/00041) dated February 1, 2024 (forwarded by Ministry of Finance and received by SEBI on February 23, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 20, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated March 28, 2024 (received by the Office of Appellate Authority on April 05, 2024). 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 response provided by the respondent.
3. **Requests at page 17 of the application** - The appellant, at page 17 of his application dated February 1, 2024, sought the information:

“1. As confirmed by CPIO IEPFA our 325 TCS shares transferred illegally to IEPFA Authority must be immediately returned to us and appropriate action must be taken for this illegal Act.

2. Certificate of another 325 TCS allotted as Bonus shares in the year 2018 is also in illegal custody of TCS management must be returned so we can dematerialise these both cert.

3. During last nine year on these shares 45 Declared Div. of Appx. Value of Rs. 3 Lac must be immediately returned along with interest @18% as per Company Act-2013.

4. We are facing this Fraud for almost last 14 year & we are mentally & physically harassed. A compensation of at least Rs. 35 Lac must be awarded for this harassment

5. *Due to illegal withholding of our share certificate we are deprived to participate in buy back and trading at least Rs 35 Lac must be paid an opportunity loss. This we entile as per Terms of Listing Agreement & TCS is an listed company.*

6. *In fight against this mighty organisation having huge man power & money power and fraudulent collusion with corrupt SEBI & MCA official even confirmed by Lokpal in order as follow only relevant portion of Lokpal order."*

4. **Reply of the Respondent** - The respondent, in response to request no. 1 at page 17 of the application, informed that the information sought is not available with SEBI.

In response to request nos. 2-6 at page 17 of the application, the respondent informed that the information sought is in the nature of grievance and taking action/resolution of grievance does not come under the provisions of RTI Act. Therefore, the information sought does not qualify as information under provisions of section 2(f) of RTI Act.

5. I have perused the aforesaid requests and the response provided thereto. I find that the aforesaid requests of the appellant are basically seeking relief pertaining to his shares of Tata Consultancy Services Ltd. In this regard, I concur with the response of the respondent that the said requests are 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.*" Accordingly, I do not find any deficiency in the response of the respondent.
6. **Requests at page 18 of the application** - The appellant, at page 18 of his application dated February 1, 2024, sought the information:

"1. TCS- E – Serve ltd merged in TCS Ltd by court approved scheme in 2013 and my brother Mr. Sushil bagracha allotted 325 TCS shares which is still in illegal custody of TCS Management. Please provide us copy any Declaration made by TCS Management to Exchange for such illegal detainment.

2. In 2018 another 325 shares allotted as bonus share which is still in illegal custody of TCS management. Please provide us copy of any declaration made by TCS management to Exchange for such illegal detainment.

3. Since 2013 almost 48 declared divided on above mentioned 650 share shill in illegal custody of TCS management please provide us copy of declaration by TCS man to Exchange for such illegal detainment."

7. **Reply of the Respondent** - In response to request nos. 1-3 at page 18 of the application, the respondent informed that the information sought is not maintained by SEBI. Hence, the same is not available with SEBI.
8. I have perused the aforesaid requests 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."* Accordingly, I do not find any deficiency in the response of the respondent.
9. Further, I find it pertinent to mention that the manner in which the information has been sought in the instant RTI application is highly disorganised and challenging to interpret. The appellant has interjected comments and notes within the supporting documents he has submitted along with the application, thereby, complicating the understanding of his requests. As a result, significant time and effort is required by the public authority to unravel/comprehend the information being sought and process it effectively. Similar approach is also noted in the way the appellant has filed the instant appeal.
10. 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 24, 2024

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