

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

Appeal No. 5416 of 2022

Meetu Jain	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 29, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 08, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00591) dated September 19, 2022. 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. **Queries in the application** –The appellant, vide her application dated August 29, 2022, sought the following information:

“Kindly share the number and nature of exchange alerts/activity reports filed by brokers to the Bombay Stock Exchange and the National Stock Exchange with reference to the following funds: Elara India Opportunities Fund Albula Investment Fund Cresta Fund APMS Investment Fund.”
3. The respondent in response to the aforesaid query, informed that the information sought by the appellant is not available with SEBI.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in her appeal, *inter alia*, submitted that the entities mentioned in her application are Mauritius based funds and are being investigated by agencies. The appellant also requested to provide an appropriate response to the query.
5. I have perused the query and the response provided thereto. I note that the respondent has categorically informed regarding non-availability of the requested information with SEBI. 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.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 the same, the respondent can only provide information available with him or held by him. 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: October 11, 2022

ANAND BAIWAR

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