

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

Appeal No. 4989 of 2022

Dhiraj	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 05, 2021 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 30, 2021, responded to the application filed by the appellant. The appellant filed an appeal dated April 10, 2022. The appeal is being taken up for consideration and disposal today due to official exigency. The appeal is being taken up for consideration and disposal today due to official exigency.
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated December 30, 2021. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on April 10, 2022. The first appeal has been made after the last date permissible under the RTI Act. The appellant, in his appeal, submitted that the apex court has relaxed the limitation due to covid. In view of the submission of the appellant, the delay in filing the appeal is condoned. 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.
3. **Queries in the application** –The appellant, vide his application dated December 05, 2021, *inter alia*, sought the scanned copy of the Circular number CIR/HO/MIRSD/MIRSD2/CIR/P/2017/108 dated September 26, 2017 for commodity derivatives market, whereby sound recording is mandatory. The appellant also mentioned that the link provided by the respondent in response to his previous RTI application, is not showing any document.

4. The respondent, in response to the query raised by the appellant, informed that the current regulatory requirements in commodity derivative markets require that “The members shall execute the trade of clients only after keeping evidence of the client placing such order; it could be, inter alia, in the form of sound recording.”
5. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in his appeal, submitted that he had requested to provide scanned copy of previous dated circular.
6. I have perused the query and the response provided thereto. On consideration, I find that Circular dated September 26, 2017 is made available on the SEBI website in terms of section 4(1)(b) of the RTI Act and the same can be accessed by the appellant. In this context, the Hon’ble Delhi High Court in *Registrar of Companies & Ors. Vs. Dharmendra Kumar Garg & Anr.* (order dated June 01, 2012) *inter alia*, 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. In view of these observations, I find that the respondent cannot be obliged to research and deduce anything from the information which is already available in the public domain and then provide the same to the appellant.
7. Further, I note that the appellant, in his application, stated that the link provided by the respondent in response to his previous RTI application, is not showing any document. I find that that the link provided by the respondent vide his letter dated August 17, 2021, for accessing the Circular dated March 22, 2018, is active and accessible.
8. In view of the above observations, I find that no further intervention of this forum is warranted at this stage. The Appeal is accordingly dismissed.

Place: Mumbai

Date: May 10, 2022

S V MURALI DHAR RAO
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA