

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

Appeal No. 5276 of 2022

Asheesh Sharma	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 18, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 26, 2022 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00465) dated July 27, 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 query number 1 in his application dated July 18, 2022, *inter alia*, sought the status of his holding with Karvy Stock Broking Ltd. which was in Karvy pool account when SEBI put ban on Karvy Stock Broking Ltd. Vide query number 2, the appellant sought to confirm whether his shares of Jindal Steel and Power Ltd. were mortgaged to any banks or financial institutes for taking any loan. The appellant, vide query number 3, sought information whether any of the exchange houses liquidated his shares from Karvy pool account.
3. The respondent, in response to the aforesaid queries, informed that the information sought is not maintained by SEBI in the normal course of regulation of securities market. Hence, the same 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 his appeal, *inter alia*, stated that the information is available with NSE and that SEBI is liable to provide the requested information under the RTI Act.
5. I have perused the query and the response provided thereto. On consideration, I do not find any reason to disbelieve the response of the respondent that the requested information is not maintained by SEBI in the normal course of regulation of securities market. In this context, I note that the Hon’ble CIC, in the

matter of *Mrigesh Manubhai Thakkar vs. SEBI* (order dated December 28, 2016) observed that “*The Commission observes that the respondents can provide only that information which is existing and available with them and the RTI Act does not mandate it for the respondent authority to create information if it is not collected and collated in the normal course of their duties. The Commission, therefore, does not find any need to intervene in the matter. The appeal is disposed of.*” In view of these observations, I do not find any deficiency in the response.

6. Further, the appellant, in his appeal, has stated that the requested information is available with NSE and that SEBI is liable to provide the requested information. I am of the view that the respondent is expected to provide only that information which exists with the public authority when it receives an application under the RTI Act. The respondent has categorically stated in his response that the information sought was not available with SEBI. Accordingly, the respondent is not required to obtain such information not available with SEBI, for the sole purpose of providing the same to an applicant under the RTI Act.
7. 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: August 23, 2022

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